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VI.

MINUTES

—OF—

THE COUNCIL

OF THE

DELAWARE STATE,

FROM

1776-1792

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MINUTES OF COUNCIL.

OCTOBER, 1781.

MINUTES OF COUNCIL.

OCTOBER, 1781.

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

At a meeting of the Legislative Council of the Delaware State, at the Town of Dover, in the County of Kent, on Saturday, the twentieth day of October, in the year of our Lord 1781, a quorum of the members not attending, the Council adjourned from day to day until Thursday, the 25th instant.

THURSDAY, A. M., October 25, 1781.

The following members attended, viz :

For New Castle County—

For Kent County—Thomas Collins.

For Sussex County—William Polk.

The return of the Sheriff and Inspectors for the County of New Castle, of the election of a Councillor to fill the seat of Samuel Patterson, Esq., which became vacant on the first day of October last by rotation, being laid on the table, it appears that John Dickinson, Esq., was elected a member of the Council for the County of New Castle, according to the Constitution and Laws of the State.

Mr. Dickinson appeared in the Council.

And it also appears, by a return of the said Sheriff and Inspec-

tors, that Peter Hyatt, Esq., was elected a member of the Council for the said County of New Castle, in the room of Richard Cantwell, Esq., whose seat became vacant by his acceptance of the office of fourth Justice of the Court of Common Pleas and Orphans' Court for the said County, on the said first day of October.

Mr. Hyatt attended.

The return of the Sheriff and Inspectors for the County of Kent of the election of a Councillor, being laid on the table, it appears that John Baning, Esquire, whose seat became vacant by rotation, was reëlected a member of the Council for the said County of Kent, on the first day of October last.

Mr. Baning attended.

The return of the Sheriff and Inspectors for the County of Sussex of the election of a Councillor, being laid on the table, it appears that William Conwell, Esquire, whose seat became vacant by rotation, was reëlected a member of the Council for the said County of Sussex, on the said first day of October.

And it also appears, by the same return, that John Polk, Esq., (of Broad Creek) was elected a member of the Council for the same County, on the said first day of October, in the room of John Clowes, Esq., whose seat became vacant by his acceptance of the office of fourth Justice of the Court of Common Pleas and Orphans' Court for the said County of Sussex.

Mr. Polk attended.

The Council then proceeded to the choice of a Speaker, and Thomas Collins, Esquire, was chosen.

The Speaker in the Chair, Mr. Benjamin Vining was appointed Clerk of the Council.

Mr. Dickinson took the affirmation, and Mr. Hyatt, Mr. Baning, and Mr. John Polk took the oath and subscribed the declaration prescribed by the twenty-second article of the Constitution of the State, and then took their respective seats in the Council. [*See note on page 10.*]

Mr. Benjamin Vining also took the oath and subscribed the declaration above mentioned, and took the oath of office as Clerk of the Council. [*See note on page 11.*]

On motion,

Ordered, That Mr. Dickinson and Mr. William Polk be a committee to wait on his Excellency, the President, and inform him that the Council, having met, are ready to receive any business which he may have to lay before them.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

The committee now reported that they had waited on his Excellency, the President, with the message committed to them, according to order, and that he was pleased, in answer, to say, that he had communicated his business to the House of Assembly, by a written message, which he had ordered his Secretary to lay before them, and that the same would, in order, be delivered to the Council.

Adjourned till to-morrow morning at 10 o'clock.

FRIDAY, October 26, 1781.

The Council met. Present the same members as on yesterday.

Adjourned till to-morrow morning at 10 o'clock.

SATURDAY, A. M., October 27, 1781.

The Council met. Present the same members as on yesterday.

On motion,

Resolved, That Mr. Dickinson, Mr. Hyatt, and Mr. William

Polk be a committee to revise the several Militia laws of this State, and to bring in a bill for reducing them into one body, with such alterations and amendments therein as may be judged expedient.

Adjourned till Monday morning at 10 o'clock.

MONDAY, A. M., October 29, 1781.

The Council met. Present the same members as on Saturday, and also Mr. Cook.

Mr. Bassett, a member of Assembly, was admitted and delivered to the Chair certain resolutions of the House of Assembly for supplying the post at Christiana Bridge with provisions and forage.

On motion, by order, the preceding resolutions were read the first time.

By special order, the same were read the second time.

The same were read a third time, by paragraphs, and concurred in, and are as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"SATURDAY, October 27, 1781.

"WHEREAS it is expected that General Washington, with a "part of the army under his command, will shortly pass through "this State, by the post at Christiana Bridge, in New Castle "County; therefore, for the immediate supply of that post with "such provisions and forage as may be wanting on that occa- "sion, it is

"*Resolved*, That Brigadier-General Patterson, Lieutenant-Col- "onel Henry Darby, Major James Black, and Captain William "McClay, be authorized to procure and purchase, upon the "credit of the Delaware State, such provision and forage as "they, upon consulting with Deputy Quartermaster Yeates,

"shall think necessary for the supply of the army aforesaid in "their passage through this State, not exceeding the sum of "one thousand pounds, specie, in its value.

"*Resolved, also*, That the General Assembly will, before its "rising, provide ways and means for the discharge of the debts "so to be contracted, not exceeding the sum before specified, in "such manner that the same may be due within four months "from the time of contract.

"*Resolved also*, That the gentlemen appointed to the service "aforesaid render an account of their contracts and application "of the articles so to be obtained to the President or Command-"er-in-Chief of this State, as soon after as conveniently may be.

"Extract from the minutes. JAS. BOOTH,

"Sent for concurrence. *Cl'k of Assembly.*"

Ordered, That Mr. William Polk return the preceding resolutions to the House of Assembly, with the concurrence of the Council thereto.

Adjourned till to-morrow morning at 10 o'clock.

TUESDAY, A. M., October 30th, 1781.

The Council met. Present the same members as on yesterday.

Mr. Polk now reported the delivery of the resolutions given to him in charge, agreeable to the order of yesterday.

Adjourned till to-morrow morning at 10 o'clock.

WEDNESDAY, October 31, 1781.

The Council met. Present the same members as on yesterday.

The committee appointed to revise the several Militia laws of this State, and to bring in a bill for reducing them into one body, being engaged in that business, the Council adjourned till to-morrow morning at 9 o'clock.

THURSDAY, A. M., November 1st, 1781.

The Council met. Present the same members as on yesterday.

Mr. Conwell attended, took the oath and subscribed the declaration prescribed by the twenty-second article of the Constitution of this State, and then took his seat in the Council. [*See note on page 10.*]

Mr. Duff, a member of Assembly, was admitted and delivered to the Chair a resolution of the House of Assembly for the appointment of a Committee of Accounts.

On motion, by order, the preceding resolution was read the first time.

By special order, the same was read the second time, concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"TUESDAY, October 30, 1781.

"On motion,

"*Resolved*, That Mr. Latimer, Mr. Barratt, and Mr. Waples "be a Committee of Accounts, on the part of this House, and "that Colonel Duff wait on the Council with a copy of this reso-"lution, and propose the appointment of a committee of their "body to join the committee aforesaid.

"Extract from the minutes.

"JAS. BOOTH, *Cl'k of Assembly.*"

And thereupon the Council have appointed Mr. Cook and Mr. John Polk to be a committee of their body to join the committee of the House of Assembly above mentioned.

Ordered, That Mr. Conwell return the said resolution to the House of Assembly, with the concurrence and appointment of the Council thereto.

Adjourned till to-morrow morning at 10 o'clock.

FRIDAY, November 2d, 1781.

The Council met. Present the same members as on yesterday.

The committee appointed to revise the several Militia laws of this State, and to bring in a bill for reducing them into one law, now reported that they had essayed a draught of a bill for that purpose, which was laid on the table for the consideration and amendment of the Council.

On motion, by order, the foregoing bill was read the first time.

On motion of Mr. William Polk, for leave to bring in a bill for revising the "Act against desertion and harbouring deserters, or dealing with them in certain cases," the same was granted to him; whereupon a bill for that purpose was laid on the table, and, by order, read the first time.

Adjourned till to-morrow morning at 10 o'clock.

SATURDAY, November 3d, 1781.

The Council met. Present the same members as on yesterday.

Mr. Vandyke, a member of Assembly, was admitted and delivered to the Chair a message from the President of the 12th February, 1781, inclosing a circular letter from the President of Con-

gress of the 8th, and two acts of Congress of the 3d and 7th of the same month, for laying an impost of five per cent. on imported and prize goods, together with a letter from the Financier, of the 27th July last, urging a compliance with the said acts, and a bill, proposed by the House of Assembly, founded on the said requisitions of Congress.

On motion of Mr. Dickinson, that a committee of this House be appointed to prepare and bring in a bill for punishing offences committed by persons concerned in seizing and taking vessels out of the harbors and ports within this State, the same was granted; whereupon Mr. Dickinson, Mr. Conwell, and Mr. Hyatt are appointed a committee for that purpose.

Mr. Conwell now reported the delivery of the resolution for the appointment of a Committee of Accounts, according to the order of Thursday last.

On motion, by order,

The President's message, and its inclosures, were severally read, and the said message is in these words, viz:

"*Gentlemen of the General Assembly:*

"Having this moment received a circular letter from the President of Congress, with two acts of that honorable body, "recommending to the several States to vest in Congress a "power to levy, for the use of the United States, certain imposts "in the said acts mentioned, I have directed the Secretary to lay "the same before your Honors for your consideration.

"New Castle, 12th Feb., 1781. CÆSAR RODNEY."

On motion, by order,

The bill to vest in Congress a power to levy an impost on imported and prize goods, &c., was read the first time.

On motion of Mr. Wm. Polk, for leave of absence till Wednesday afternoon next, the same is granted to him.

Adjourned till Monday morning at 10 o'clock.

MONDAY, November 5th, 1781.

The Council met. Present the same members as on Saturday, except Mr. William Polk.

The committee appointed to prepare and bring in a bill for punishing offences committed by persons concerned in seizing and taking vessels out of the ports and harbors of this State, now reported that they had essayed a draught of a bill for that purpose; which was laid on the table, for the consideration and amendment of the Council.

On motion, by order, the foregoing bill was read the first time.

On motion, by order,

The acts of Congress of the 3d and 7th of February last, recommending to the several States to vest in Congress a power to levy imposts on imported and prize goods, and the bill founded thereon, were severally read the second time.

Adjourned till to-morrow morning at 10 o'clock.

TUESDAY, A. M., November 6, 1781.

The Council met. Present the same members as on yesterday,

Mr. Waples, a member of Assembly, was admitted and delivered to the Chair a resolution for the nomination of persons to to be balloted for as President and Commander-in-Chief of this State.

On motion, by order,

The bill for establishing a Militia within this State, was read the second time.

On motion of Mr. Conwell, for leave to bring in a bill for aiding the discontinuance of the process in the Court of Quarter

Sessions in the County of Sussex, the same was granted; whereupon a bill for that purpose was laid on the table, and, by order, read the first time.

On motion, by order,

The resolution of the House of Assembly for the nomination of persons to be balloted for as President and Commander-in-Chief of the State, was read the first time.

By special order, the same was read a second time and concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"MONDAY, P. M., 5th November, 1781.

"On motion,

"*Resolved*, That the House of Assembly will meet the Council, "in the Council Room, to-morrow, in the afternoon, for the pur- "pose of putting proper persons into nomination to be voted for "as President and Commander-in-Chief of this State, that place "being now become vacant by the expiration of the term of the "late President, Cæsar Rodney, Esquire, agreeable to the Con- "stitution of the State.

"Extract from the minutes. JAS. BOOTH,

"Sent for concurrence. *Cl'k of the House of Assembly.*"

Ordered, That Mr. Baning return the preceding resolution, with the concurrence of the Council thereto, to the House of Assembly; and inform them that the Council will be ready to receive the House of Assembly in the Council Chamber, at five o'clock this afternoon, if assented to by the House of Assembly.

Mr. Baning, being returned, reported that he had delivered the said resolution and message, according to order, to the House of Assembly.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

The House of Assembly, agreeable to the order of the day, met the Council, in the Council Chamber, for the purpose of putting into nomination persons to be balloted for as President and Commander-in-Chief of this State, when the names of several persons were taken down for the consideration of the members of both Houses.

On motion,

Resolved, That the General Assembly now separate, and meet again, in the Assembly Room, in half an hour, to ballot for a person to supply the place of President of this State.

Then the House of Assembly withdrew.

The Council, agreeable to the proposed time of meeting, met the House of Assembly, in the Assembly Room, and there, in General Assembly, proceeded to the election of a President of this State, and the members of both Houses then present, to wit: seven of the Council and nineteen of the House of Assembly, having prepared tickets with the name of the President to be appointed and put the same into a ballot-box, the Speakers of the two Houses, in the presence of the other members, examined the ballot-box, and it appeared that there were twenty-five votes out of twenty-six in favor of John Dickinson, Esquire; whereupon the said John Dickinson, Esquire, is declared duly elected President for this State for the term of three years next ensuing, and until the sitting of the next General Assembly thereafter, and no longer, agreeable to the Constitution or system of government thereof.

Then the Council withdrew, and adjourned till to-morrow morning at 10 o'clock.

WEDNESDAY, A. M., November 7th, 1781.

The Council met. Present the same members as on yesterday, and also Mr. Polk.

On motion, by order,

The bill for more effectually punishing and discouraging offences committed in taking vessels out of the harbors of this State, was read the second time.

By special order, the same was read a third time, by paragraphs, and will pass.

Ordered, That the same be transcribed and sent to the House of Assembly, for their consideration and concurrence, by Mr. Hyatt;

Who, being returned, reported the delivery thereof according to order.

On motion, by order,

The bill for aiding the discontinuance of the process in the Court of Quarter Sessions in the County of Sussex, was read the second time.

On motion, by order,

The bill for establishing a Militia within this State, was read a third time, by paragraphs, and will pass.

Ordered that the same be transcribed.

On motion, by order,

The bill for aiding the discontinuance of the process in the Court of Quarter Sessions in the County of Sussex, was read a third time, by paragraphs, and will pass.

Ordered, That the same be transcribed and sent, by Mr. Polk, to the House of Assembly, for their consideration and concurrence.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Polk now reported the delivery of the bill for aiding the discontinuance of the process in the Quarter Sessions in Sussex County, according to order.

Adjourned till to-morrow morning at 10 o'clock.

THURSDAY, A. M., November 8th, 1781.

The Council met. Present the same members as on yesterday.

Ordered, That Mr. Baning deliver to the House of Assembly the bill for establishing a Militia within this State.

Mr. Baning reported the delivery of the same according to order.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Duff, a member of Assembly, was admitted and delivered to the Chair certain resolutions of the House of Assembly for the protection of the trade of the River and Bay of Delaware.

On motion, by order, the foregoing resolutions were read the first time.

On motion, by order,

The bill to vest in Congress a power to levy an impost on imported and prize goods, &c., was read a third time, by paragraphs, and some amendments were proposed and agreed to.

Ordered, That the same be transcribed and sent, by Mr. Conwell, to the House of Assembly, for their consideration and concurrence, together with the President's message and its inclosures.

Adjourned till to-morrow morning at 10 o'clock.

FRIDAY, A. M., November 9th, 1781.

The Council met. Present the same members as on yesterday.

Mr. Conwell now reported the delivery of the several papers committed to him, according to the order of yesterday.

Mr. Bryan, a member of Assembly, was admitted and delivered to the Chair a bill for raising twenty-three thousand six hundred and twenty-five pounds, in specie, for the service of the year one thousand seven hundred and eighty-two.

The same member also returned to the Chair the bill for aiding the discontinuance of the process in the Court of General Quarter Sessions in the County of Sussex, agreed to by the House of Assembly.

Ordered that the said bill be engrossed.

On motion, by order,

The bill for raising twenty-three thousand six hundred and twenty-five pounds, in specie, for the service of the year one thousand seven hundred and eighty-two, was read the first time.

Mr. Molleston, a member of Assembly, was admitted and delivered to the Chair a resolution of the House of Assembly respecting the adjournment of the present sessions; which, by order, was read, and is in these words, viz:

"IN THE HOUSE OF ASSEMBLY OF THE DELAWARE STATE,
"FRIDAY, November 9th, 1781.

"On motion,

"*Resolved*, That this House intend to adjourn the present "sessions to-morrow afternoon to some distant day; and that "Mr. Molleston wait on the Council with a copy of this resolu- "tion for their information.

"Extract from the minutes.

"JAS. BOOTH, *Cl'k of Assembly*."

On motion,

Resolved, That Mr. McDonough and Mr. Hyatt be a committee to view the premises mentioned in the petition of John Lewden, and that they, or any one of them, make report of their proceedings thereon at the next sitting of the Council.

On motion, by order,

The bill against desertion and harbouring deserters, or dealing with them in certain cases, was read the second time.

On motion, by order,

The resolutions of the House of Assembly for the protection of the trade of the River and Bay of Delaware, were read the second time.

By special order, the same were read a third time, by paragraphs, and an amendment was proposed and agreed to, and ordered to be transcribed.

Ordered, That the foregoing resolutions and transcribed amendment be sent, for concurrence, to the House of Assembly by Mr. Baning;

Who, being returned, reported the delivery thereof according to order.

Mr. Peery, a member of Assembly, was admitted and delivered to the Chair the President's message of the 12th February, 1781, and the circular letters and acts of Congress therein referred to, together with the bill to vest in the Congress of the United

States a power to levy duties of five per centum ad valorem on certain goods and merchandise imported into this State, and on prizes and prize goods condemned in the Court of Admiralty thereof, and for appropriating the same, and the amendments proposed thereto by the Council disagreed to by the House of Assembly.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Doctor Clayton, a member of Assembly, was admitted and delivered to the Chair the resolutions for the protection of the trade of the River and Bay of Delaware, with the amendment proposed thereto by the Council acceded to by the House of Assembly.

On motion, by order, the foregoing resolutions, as amended, were read and concurred in, and are as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"THURSDAY, A. M., November 8th, 1780.

"On motion,

"*Resolved*, That the Speakers of the two Houses of the General Assembly of Delaware draw their order on the State Treasurer in favor of Mr. Charles Pope for the sum of three hundred pounds in specie, to be paid out of the money which may be or first may come into the Treasury, to be by him applied for the purpose of protecting the trade of the Bay and River of Delaware.

"*Resolved also*, That the said Charles Pope is hereby authorized to take the command of the State schooner, now lying at Wilmington, her tackle, apparel and furniture, and such arms, ammunition and other articles, as belong to her, and also the State barge, or long-boat, at the Cross-Roads, in the county of Kent, and put the said vessels into proper order and condition,

"for the purpose aforesaid, and to recommend one suitable per-
"son, to the President or Commander-in-Chief of the State, to
"be commissioned as a Lieutenant of Marines, and to procure
"by enlistment or otherwise, forty suitable men to serve on board
"said vessels as seamen and marines, until discharged by the
"President or Commander-in-Chief of the State; the officers
"and men to be allowed the like pay, rations, and emoluments,
"and be subject to the same rules, regulations and provisoes, as
"are directed by the act of Assembly of this State, entitled, 'An
"act for the protection of the trade of this State on the River
"and Bay of Delaware.'

"The said Charles Pope, as captain and commander of said
"vessel, and the persons so recommended, to be commissioned
"in the manner the said act directs.

"*Resolved also*, That the said vessel cruise on the Bay and
"River of Delaware only, and shall be under the direction and
"control of the President or Commander-in-Chief of the State,
"who is hereby empowered to give the officers such instructions
"from time to time as he shall judge most likely to answer the
"purpose of protecting the trade of this State on the aforesaid
"bay and river.

"*Resolved*, That the said Charles Pope shall render and settle
"the account of his application of the aforesaid sum of money
"with the President or Commander-in-Chief of the State.

"Extract from the minutes.

"Sent for consideration and concurrence.

"JAS. BOOTH, *Cl'k of Assembly.*"

Ordered, That the foregoing resolutions and amendment be returned, by Mr. Polk, to the House of Assembly, with the concurrence of the Council to the said resolutions.

Mr. Polk, being returned, reported the delivery thereof according to order.

On motion, by order,

The bill for raising twenty-three thousand six hundred and twenty-five pounds, in specie, for the service of the year one thousand seven hundred and eighty-two, was read the second time.

Adjourned till to-morrow morning at 10 o'clock.

SATURDAY, A. M., November 10th, 1781.

The Council met. Present the same members as on yesterday.

On motion, by order,

The bill for raising twenty-three thousand six hundred and twenty-five pounds, in specie, for the service of the year one thousand seven hundred and eighty-two, was read a third time, by paragraphs, and sundry amendments were proposed, agreed to, and ordered to be transcribed.

Mr. White, a member of Assembly, was admitted and delivered to the Chair a bill entitled "An additional supplementary act to the act entitled 'An act for calling out of circulation and cancelling the quota of this State, according to the present apportionment, of all the Bills of Credit emitted by Congress, and for emitting and funding new bills, according to the resolutions of Congress of the eighteenth day of March last, and for other purposes.'"

Mr. Duff, a member of Assembly, was admitted and delivered to the Chair a memorial of Captain James Moore, praying an immediate advance of money toward his pay, with a resolution of the House of Assembly for the payment of fifty pounds, specie, to Captain James Moore.

On motion, by order,

The bill entitled "An additional supplementary act to the act entitled 'An act for calling out of circulation and cancelling the quota of this State, according to the present apportionment, of all the Bills of Credit emitted by Congress, &c.,'" was read the first time.

By special order, the foregoing bill was read the second time and postponed for further consideration till the afternoon.

On motion, by order,

The memorial of Capt. James Moore, of the Delaware Regiment, and the resolution of the House of Assembly founded thereon, were severally read the first time.

By special order, the same were severally read the second time, and the said resolution was concurred in, and is in these words, viz :

"IN THE HOUSE OF ASSEMBLY,
"SATURDAY, November 10th, 1781.

"The House resumed the consideration of the memorial of "Capt. James Moore, of the Delaware Regiment, and thereupon

"*Resolved*, That the Speakers of both Houses of the General "Assembly draw an order on the State Treasurer for the pay- "ment of fifty pounds, specie, to the said Capt. Moore, he to be "accountable.

"Extract from the minutes.

"JAS. BOOTH, *Cl'k of Assembly.*"

A letter, addressed to the President of the State of Delaware, from William McKennan, Captain in the Regiment of this State, dated Camp near York, October 26, 1781, was opened in Council, and being read, ordered, on motion, that the same be sent to the House of Assembly, with the following verbal message, viz :

Gentlemen :

The Council judge it proper to communicate to you a letter from Capt. McKennan, respecting a detachment of the Regiment of this State under his command, whose wants require immediate attention and relief.

Ordered, That Mr. Conwell wait on the House of Assembly with the foregoing letter and message, and return the bill for raising twenty-three thousand six hundred and twenty-five pounds for the service of the year one thousand seven hundred and eighty-two, with the amendments proposed thereto, Capt. Moore's memorial, and the resolution of the House of Assembly, founded thereon, concurred in by the Council.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Latimer, a member of Assembly, was admitted and delivered to the Chair certain resolutions of the House of Assembly for completing the Delaware Regiment.

The same member also delivered to the Chair a petition from Joanna Holland, widow of Capt. Thomas Holland, with a resolution of the House of Assembly for the payment of forty pounds, specie, to the said Joanna Holland.

The Council now proceeded to the third reading, by paragraphs, of the bill entitled "An additional supplementary act to the act entitled 'An act for calling out of circulation and cancelling the quota of this State, according to the present apportionment, of all the Bills of Credit emitted by Congress, &c.,'" and sundry amendments were proposed, agreed to, and ordered to be transcribed.

On motion, by order,

The resolutions for completing the Delaware Regiment, were read the first time.

On motion, by order,

The petition of Mrs. Joanna Holland, and the resolution of the House of Assembly, founded thereon, were severally read.

By special order, the said resolution was read the second time, concurred in, and is as follows, viz :

"IN THE HOUSE OF ASSEMBLY,
"SATURDAY, November 10, 1781.

"The House took into consideration the petition of Mrs. Jo-"anna Holland, widow of Capt. Thomas Holland, of the Dela-"ware Regiment, and

"*Resolved*, That an order be drawn by the Speakers of both "Houses of the General Assembly on the State Treasurer in "favor of the said Joanna Holland, widow of Captain Thomas

"Holland aforesaid, who was slain in the service of the United "States at the battle of Germantown, in October, 1777, for the "sum of forty pounds, specie, as so much of the half pay of the "said Capt. Holland, agreeably to a resolution of Congress of "the 24th August, 1780.

"Extract from the minutes. JAS. BOOTH,

"Sent for concurrence. *Cl'k of Assembly.*"

On motion, by order,

The resolutions of the House of Assembly for completing the Delaware Regiment, were read the second time and deferred for consideration until Monday next.

On motion of Mr. John Polk, for leave of absence during the remainder of the present sessions, the same was granted to him.

Adjourned till Monday morning at 10 o'clock.

MONDAY, November 12th, 1781.

The Council met. Present the same members as on Saturday, except Mr. John Polk.

Ordered, That Mr. Baning return to the House of Assembly the bill entitled "An additional supplementary act to the act entitled 'An act for calling out of circulation and cancelling the quota of this State, according to the present apportionment, of all the Bills of Credit emitted by Congress, &c.,'" with the paper of amendments proposed thereto by the Council; Mrs. Joanna Holland's petition, and the resolution of the House of Assembly founded thereon, concurred in by the Council.

Mr. Baning reported the delivery thereof according to order.

The Council now proceeded to the third reading, by paragraphs, of the resolutions for completing the Delaware Regiment, and sundry amendments were proposed, agreed to, and ordered to be transcribed.

Ordered, That Mr. Cook return the foregoing resolutions and transcribed amendments to the House of Assembly, for their consideration and concurrence.

The Council now took into consideration the amendments proposed by them, and disagreed to by the House of Assembly, to the bill to vest in the Congress of the United States a power to levy duties of five per centum ad valorem on certain goods and merchandise imported into this State, &c., and after some time spent therein adhered to their said amendments as altered by some additional amendments now proposed.

Ordered, That Mr. Cook also return the said bill and amendments to the House of Assembly, for their consideration and concurrence.

Mr. Cook, being returned, reported the delivery of the several papers committed to him, according to order.

Adjourned till to-morrow morning at 10 o'clock.

TUESDAY, A. M., November 13th, 1781.

The Council met. Present the same members as on yesterday.

Mr. Latimer, a member of Assembly, was admitted and delivered to the Chair the additional supplementary bill to the act entitled "An act for calling out of circulation and cancelling the quota of this State, according to the present apportionment, of all the Bills of Credit emitted by Congress, &c.," with the amendments proposed thereto by the Council, and a paper of amendments offered by the House of Assembly to the said proposed amendments of the Council.

The same member also delivered to the Chair certain resolutions of the House of Assembly respecting the officers of the Delaware Regiment.

The Council now took into consideration the amendments proposed by the House of Assembly to their amendments to the

supplementary bill to the act entitled "An act for calling out of circulation and cancelling the quota of this State, according to the present apportionment, of all the Bills of Credit emitted by Congress, &c.," and after some time spent therein agreed to the same.

On motion, by order,

The resolutions of the House of Assembly respecting the officers of the Delaware Regiment, were read the first time.

By special order, the same were read the second time, by paragraphs, and some amendments were proposed, agreed to, and ordered to be transcribed.

Ordered, That Mr. William Polk return to the House of Assembly the foregoing supplementary bill and its amendments, together with the preceding resolutions and the amendments proposed thereto by the Council, for their consideration and concurrence.

Mr. Polk reported the delivery thereof according to order.

Mr. Adams, a member of Assembly, was admitted and delivered to the Chair the resolutions for completing the Delaware Regiment, and the amendments proposed thereto by the Council in part acceded to by the House of Assembly, with a paper of amendments offered by the House of Assembly to the said amendments of the Council.

The Council took into consideration such of their amendments to the foregoing resolutions as were disagreed to by the House of Assembly, and also the amendments proposed by that House to their said amendments, and after some time spent therein they adhered to their fourth amendment, receded from their seventh, and acceded to the amendments proposed by the House of Assembly.

Ordered, That Mr. Baning return the foregoing resolutions, and the several papers of amendments proposed thereto, to the House of Assembly.

Mr. Baning reported the delivery thereof according to order.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Vandyke, a member of Assembly, was admitted and delivered to the Chair a resolution of the House of Assembly for the payment of one hundred pounds to each of the Delegates from this State to Congress, and the following verbal message, viz:

"*Gentlemen:*

"The Assembly propose to your honorable House that both "Houses meet in the Council Chamber, at five o'clock this "afternoon, to receive the answer of John Dickinson, Esq., as "to his acceptance of the office of President and Commander-in-"Chief of this State, to which he has been elected; and also to "appoint, by ballot, persons to supply two vacant ensigncies in "the Delaware Regiment.

"Tuesday, 13th Nov., 1781."

On motion, by order,

The resolution of the House of Assembly for the payment of one hundred pounds to each of the Delegates from this State to Congress, was read the first time.

By special order, the same was read the second time and concurred in, and is in these words, viz:

"IN THE HOUSE OF ASSEMBLY,
"TUESDAY, November 13, 1781.

"On motion,

"*Resolved*, That the Speakers of both Houses of the General "Assembly draw their order on the State Treasurer in favor "of the Honorable Thomas Rodney, Nicholas Vandyke, and "Thomas McKean, Esquires, the Delegates from this State to "Congress, for the sum of one hundred pounds each, the said "Delegates respectively to be accountable.

"Extract from the minutes. JAS. BOOTH,

"Sent for concurrence. *Cl'k of Assembly.*"

Ordered, That Mr. Conwell return the foregoing resolution, concurred in by the Council, and deliver to the House of Assembly the following answer from the Council to their verbal message of this day, viz:

Gentlemen:

The Council will be ready to receive your honorable House, according to your proposal, in the Council Room, at five o'clock this afternoon.

Mr. Conwell now reported the delivery of the foregoing resolution and message to the House of Assembly, according to order.

Previous to the meeting of the General Assembly in the Council Chamber, agreeable to the order of the day, Mr. Dickinson arose and took his leave of Council, in consequence of his appointment to the office of President, in the following words, viz:

"*Mr. Speaker:* I am now to take my leave of you and the "other gentlemen of the Council, as a member of this body; "but, before I go, I beg permission to return my thanks to you "and them, for the very attentive and respectful treatment I "have received, while I have had a seat here.

"You, gentlemen, are witnesses, with how much reluctance I "have been separated from you. I expected, intended, and "should have been perfectly contented, to have continued among "you, if such had been the pleasure of the General Assembly; "but, in whatever station I serve the State, or wherever I may "be, I desire you all, gentlemen, to be assured, that I ever "shall retain a grateful and affectionate remembrance of your "behavior towards me, and I pray Heaven to bless every one of "you, in your public and private capacities."

The House of Assembly met the Council in the Council Chamber, agreeable to the order of the day, to receive the answer of John Dickinson, Esquire, as to his acceptance of the office of President of this State, to which he had been elected. Whereupon Mr. Dickinson arose and addressed the General Assembly on the subject of his appointment to the said office in the following pathetic speech, viz:

"*Gentlemen of the General Assembly:*

"I thank you for the honour you have conferred upon me, by "electing me President of this State. The post, itself, I do not "think so great an honour, as the *manner* in which you have be- "stowed it. *That* conveys a proof of your esteem, which I *feel* "to be very valuable and powerful. I give up my inclination for "a retired life, to which I am called by so many and such weighty "considerations, to your pleasure.

"One *apprehension* I cannot dismiss, that I shall not be able "to fill the station to which I am appointed, so advantageously "as I wish, or as you may perhaps expect. I will try to com- "pensate for deficiencies in other respects, by my integrity, at- "tachment to the common cause, and the love of my country, to "which shall be added all the application my health will bear; yet "still, I must request your favorable interpretation of my con- "duct, and rely, in a great measure, for success on your support.

"Any mistakes I may commit will be of my judgment, never "of my intention, and I confide in the candour of my country- "men, that circumstances, unavoidable in the present arduous "contest, will not be imputed to errors in administration.

"What laws, now in force, are to be altered or repealed, and "what new ones are to be made, it will be your business, gentle- "men, to determine. It will be mine to see those which the "wisdom of the Legislature approves effectually carried into "execution.

"If, in my attempts to discharge this complicated duty, any "part of it escapes my attention, I ask, and shall at all times "gratefully receive your advice or information.

"As it does not appear to me inconsistent with this duty, so it "will be a pleasing employment to consult the ease of the good "people of the State, as far as can be done without weakening "our exertions in maintaining this just and necessary war, which "men of sense and virtue cannot desire.

"May a happy harmony, in sentiment and measures, so bene- "ficial to society, always prevail among us, or, if there must be "division, let it only be between those who generously contend "for the freedom, independence and prosperity of their country, "and such as weakly wish for a dangerous and dishonorable sub-

"mission to enemies so infatuated as to hate where they ought "to admire, and to provoke their own and pursue the ruin of "these States, though nature and policy point out that we should "be blessings one to the other.

"Above all things, gentlemen, let us seriously endeavor to re- "commend ourselves and our cause to the adorable Providence "that has so graciously conducted us thus far, through a wilder- "ness of difficulties, and made, as it were, the sea to give way "before us ; and therefore let us more and more promote a spirit "of benevolence, equity and liberality, and heartily join together "in discouraging every kind of vice and immorality, being as- "sured that 'Righteousness exalteth a nation, but Sin is a re- "proach to any people.'"

On motion,

Resolved unanimously, That a certificate of the appointment of John Dickinson, Esquire, to the office of President of this State, signed by the Speakers of the two Houses, and sealed with the Great Seal of the State, be made out and delivered to Mr. President.

On motion,

Resolved, That the Speaker of the Council be authorized to administer as well the qualification of allegiance and declaration of faith, prescribed by the twenty-second article of the Constitution of this State, to the Honorable John Dickinson, Esquire, as the following oath of office, to wit :

"I, John Dickinson, do affirm that I will well and truly, ac- "cording to the best of my abilities and judgment, execute the "office of President of the Delaware State agreeable to the Con- "stitution and Laws thereof."

Then the General Assembly proceeded to the nomination of persons to be balloted for to supply two vacant ensigncies in the Delaware Regiment, when two persons were named for the consideration of the General Assembly.

Whereupon the General Assembly, there being no more than two persons nominated to fill the said vacancies, proceeded to the ballot, and it appeared that John Vaughn and John Platt were declared duly elected to fill the said vacancies.

On motion,

Resolved, That the said John Vaughn be considered as the first in rank.

On motion,

Resolved, That the General Assembly now separate.

Then the House of Assembly withdrew.

Mr. Duff, a member of Assembly, was admitted and delivered to the Chair the certificate of the appointment of John Dickinson, Esquire, to the office of President of this State, in order to be signed by the Speaker of the Council; which was accordingly done; and the said certificate was returned by the same member, in order to be signed by the Speaker of the House of Assembly.

The bill for aiding the discontinuance of the process in the Court of General Quarter Sessions in Sussex County, being engrossed, was read, compared, and ordered to be sent, with the original bill, to the House of Assembly, for comparison, and to be signed by the Speaker of the House of Assembly, by Mr. Cook;

Who, being returned, reported the delivery thereof according to order.

On motion,

WHEREAS Congress, by their proclamation dated the — day of ——, have recommended to the several States to set apart Thursday, the thirteenth day of December next, to be observed as a day of public Thanksgiving and Prayer; therefore

Resolved, That the thirteenth day of December aforesaid be set apart throughout this State as a day of public Thanksgiving and Prayer to Almighty God for the purposes in the above-recited proclamation of Congress mentioned, and that the President be requested to publish the same by proclamation.

Ordered, That Mr. William Polk deliver the foregoing resolution to the House of Assembly, for consideration and concurrence.

Mr. Polk reported the delivery thereof according to order.

Mr. Read, a member of Assembly, was admitted and delivered to the Chair a resolution of the House of Assembly for affix-

ing the Great Seal to four laws passed this session, together with the said laws, respectively signed by the Speaker of the House of Assembly, in order to be compared and signed by the Speaker of the Council, and the several original bills and amendments.

The same member also delivered to the Chair the certificates of the appointment of John Dickinson, Esquire, to the office of President of this State, respectively signed by the Speakers of both Houses, in order that the same may be delivered by the Speaker of the Council to Mr. President; and also the following orders, to be signed by the Speaker of the Council, viz:

To Thomas Rodney, Nicholas Vandyke, and Thomas McKean, Esquires, Delegates from this State to Congress, £100 each,	£ 300 0 0
To Colonel David Hall,	100 0 0
To Lieutenant Joseph Vaughn,	100 0 0
To Major John Patton,	75 0 0
To Capt. Peter Jacquet,	100 0 0
To Capt. Robert Kirkwood,	100 0 0
To Capt. James Moore,	60 0 0
To Capt. John Learmouth,	60 0 0
To Capt. John Wilson,	60 0 0
To Capt. Daniel Powell Cox,	60 0 0
To Capt. George Parvis,	60 0 0
To Lieut. Charles Kidd,	40 0 0
To Lieut. James Campbell,	40 0 0
To Lieut. Joseph Horsman,	40 0 0
To Lieut. Elijah Skillington,	40 0 0
To Lieut. Edward Roche,	40 0 0
To Lieut. Henry Duff,	40 0 0
To Lieut. Thomas Anderson,	40 0 0
To Doct. Reuben Gilder,	60 0 0
To Ensign Stephen McWilliam,	30 0 0
To Mr. John Vaughan,	30 0 0
To Mr. John Platt,	30 0 0
To Mrs. Joanna Holland,	40 0 0
	£ 1545 0 0

Whereupon the said orders were directed to be signed by the Speaker of the Council; which was accordingly done.

On motion, by order, the several foregoing bills, respectively signed by the Speaker of the House of Assembly, were read and compared, and directed to be signed by the Speaker of the Council; which was done accordingly.

On motion, by order,

The resolution of the House of Assembly for affixing the Great Seal to the foregoing bills, was read and concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY, November 13, 1781.

"On motion,

"*Resolved*, That the President and Commander-in-Chief affix "the Great Seal of the State to the following laws, to wit:

1. "An act for raising twenty-three thousand six hundred and twenty-five pounds, in specie, for the service of the year one thousand seven hundred and eighty-two;"

2. "An act to vest in the Congress of the United States a power to levy duties of five per centum ad valorem on certain goods and merchandise imported into this State, and on prizes and prize goods condemned in the Court of Admiralty thereof, and for appropriating the same;"

3. "An act for aiding the discontinuance of the process in the Court of General Quarter Sessions of the Peace and Goal Delivery in the County of Sussex;"

4. "An additional supplementary act to the act entitled 'An act for calling out of circulation and cancelling the quota of this State, according to the present apportionment, of all the Bills of Credit emitted by Congress, and for emitting and funding new bills, according to the resolutions of Congress of the eighteenth day of March last, and for other purposes,' passed at New Castle, on the twelfth day of February, one thousand seven hundred and eighty-one."

"Extract from the minutes. JAS. BOOTH,

"Sent for concurrence. *Cl'k of Assembly.*"

Mr. Vandyke, a member of Assembly, was admitted and delivered to the Chair the resolution of the Council for appointing

Thursday, the thirteenth day of December next, to be observed as a day of Thanksgiving and Prayer, with the concurrence of the House of Assembly thereto.

The same member also delivered to the Chair the resolutions of the House of Assembly for completing the Delaware Regiment, with the amendments proposed thereto by the Council acceded to by the House of Assembly.

The same member also delivered to the Chair a resolution of the House of Assembly empowering the President to draw for money for contingent services; and also certain resolutions of the House of Assembly for the pay and clothing of the Delaware Regiment.

The same member also delivered to the Chair a resolution of the House of Assembly for the payment of one hundred pounds to William Millan, together with an order, signed by the Speaker of the House of Assembly, for thirteen hundred pounds, specie, in favor of George Craghead, Esq., the Clothier-General of this State, in order to be signed by the Speaker of the Council.

On motion, by order,

The resolutions of the House of Assembly respecting the officers of the Delaware Regiment, as amended, were read and concurred in, and are as follows, viz:*

On motion, by order,

The resolution empowering the President to draw for money for contingent services, was read, concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"TUESDAY, November 13, 1781.

"On motion,

"*Resolved*, That his Excellency, the President and Com-"mander-in-Chief of this State, be and he is hereby empowered "to draw his orders on the State Treasurer for any sum, not ex-"ceeding one thousand pounds, in order to defray expenses for

*These resolutions are not recorded.

"contingent public services that may arise in the recess of the "present General Assembly, he to be accountable.

"Extract from the minutes. JAS. BOOTH,

"Sent for concurrence. *Cl'k of Assembly.*"

On motion, by order,

The resolutions of the House of Assembly for the pay and clothing of the Delaware Regiment, were read and concurred in, and are as follows, viz :

"IN THE HOUSE OF ASSEMBLY,
"TUESDAY, 13th November, 1781.

"On motion,

"*Resolved*, That the Speakers of the two Houses of the Gen- "eral Assembly draw their order in favor of George Craghead, "Esq., the Clothier of the State, on the State Treasurer, for four "hundred and seventy-five pounds, in specie, for the purpose of "an immediate supply of two hundred shirts, one hundred woolen "waistcoats, one hundred pair of woolen overalls, one hundred "pair of socks, one hundred pair of shoes, fifteen coats and fifty "blankets, for the use of the detachment under the command "of Capt. McKennan."

"That the Speakers, aforesaid, draw their order on the State "Treasurer, in favor of the Clothier-General, aforesaid, for eight "hundred and twenty-five pounds, like money, for the purpose "of a supply of one hundred and fifty coats, one hundred and "fifty woolen waistcoats, one hundred and fifty woolen overalls, "three hundred shirts, one hundred and fifty hats, one hundred "and fifty pair of socks, and three hundred pair of shoes, for the "use of the Delaware troops in the Southern army, under the "command of General Green."

"That the Clothier-General make application to the Board of "War, in order to obtain the above articles of clothing, or as "many of them as may be procured in that way, and that the "said George Craghead make exact and particular returns of the "articles he may so procure, and also render his account of the "expenditure of the money he may receive, to the General As- "sembly, at their next meeting."

"That orders be drawn, in manner aforesaid, in favor of the

"officers of the Delaware Regiment, for the following sums of "money, in specie, on account of their pay, to wit: to Colonel "David Hall, one hundred pounds; Lieutenant-Colonel Joseph "Vaughan, one hundred pounds; Major John Patten, seventy-"five pounds; Captains Robert Kirkwood and Peter Jaquet, "each, one hundred pounds; Captains John Learmouth, John "Wilson, Daniel Powel Cox and George Parvis, sixty pounds, "each; Captain James Moore, ten pounds in addition to the fifty "pounds ordered to be paid to him by this present General As-"sembly; Reuben Gilder, Surgeon, sixty pounds; Lieutenants "Henry Duff, James Campbell, Joseph Horsman, Elijah Skil-"lington, Charles Kidd, Edward Roche and Thomas Anderson, "forty pounds each; Ensign Stephen McWilliam, thirty pounds; "and John Vaughn and John Platt, volunteers in the said regi-"ment, thirty pounds each."

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"That an order be drawn, in the same manner, for the pay-"ment of one month's pay for the non-commissioned officers and "privates of the Delaware troops in the Southern army, afore-"said, to such person as shall be appointed by the President of "the State to receive the same, and to be by such person im-"mediatly remitted to them.

"That it be recommended to the President to issue his orders "to the officers of the Delaware Regiment now in the State (Cap-"tain Moore excepted), and not prisoners of war, that as soon as "they may severally receive the sum directed to be drawn on "their behalf, as above mentioned, they do repair to their regi-"ment so that the officers thereof, now with General Green may, "if they think proper, apply for leave of absence for a time, and "their places supplied by such as are within the intent of this "resolution.

"Extract from the minutes. JAS. BOOTH,

"Sent for concurrence. *Cl'k of Assembly.*"

On motion, by order,

The resolution of the House of Assembly for the payment of one hundred pounds to William Millan, was read, considered, and rejected.

Ordered, That the order in favor of George Craghead, Esq., for thirteen hundred pounds, be signed by the Speaker.

Ordered, That the several bills and resolutions before mentioned, respectively signed by the Speaker of the Council, be returned to the House of Assembly by Mr. Cook ;

Who, being returned, reported the delivery thereof according to order.

Adjourned till 9 o'clock to-morrow morning.

WEDNESDAY, November 14th, 1781.

The Council met. Present the same members as on yesterday.

The Speaker of the Council now waited on Mr. President, and being returned, reported to the General Assembly that he had administered as well the qualification of allegiance and declaration of faith, prescribed by the twenty second article of the Constitution of this State, as the oath (or affirmation) of office, to his Excellency, John Dickinson, Esquire, President of the Delaware State, in pursuance of certain resolutions of the General Assembly of yesterday.

Thereupon

Ordered, That the Speaker issue a writ to the Sheriff of New Castle County, directing him to hold an election on Thursday, the 20th day of December next, agreeable to the Constitution and Laws of this State, for the choosing of one new member of the Legislative Council for the said county, in the room of John Dickinson, Esquire, whose seat became vacant by his acceptance of the office of President of this State.

Which was accordingly done.

Then the Council proceeded to the settlement of the per diem wages and mileage of their members at their present meeting, and the following accounts were allowed, viz :

To the Honorable Thomas Collins, Esq., for 23 days' attendance in Council,	£	25	7 6
To John Baning, Esq., for 20 days' attendance,		17	10 0
To Peter Hyatt, Esq., for 23 days' attendance and mileage,		21	12 6
To William Conwell, Esq., for 16 days' attendance and mileage,		15	16 0
To John Polk, Esq., for 20 days' attendance and mileage,		20	0 0
To John Cook, Esq., for 17 days' attendance and mileage,		15	8 6
To William Polk, Esq., for 21 days' attendance and mileage,		19	9 6
To John Dickinson, Esq., for 21 days' attendance and mileage,		20	9 6
To Benjamin Vining, Esq., for 20 days' attendance as Clerk, &c.,		23	10 0
	£	179	3 6

Ordered, That the Speaker draw orders on the State Treasurer for the payment of the aforesaid several sums.

Which was accordingly done.

Then the Council adjourned till the 2d day of January next, to meet at the Town of Dover.

MINUTES OF COUNCIL.

JANUARY, 1782.

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VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

ADJOURNED SESSION, JANUARY, 1782.

At a meeting of the Legislative Council of the Delaware State, at the Town of Dover, on Wednesday, the 2d day of January, in the year of our Lord one thousand seven hundred and eighty-two, a sufficient number of the members to form an House not attending, the Council adjourned from day to day until Wednesday, the 9th instant.

WEDNESDAY, January 9th, 1782.

The Council met. Present the following members, viz:

For New Castle County—Mr. McDonough, Mr. Hyatt.

For Kent County—The Hon. Thomas Collins, Mr. Baning.

For Sussex County—Mr. John Polk.

On motion,

Resolved, That the Council adjourn till Tuesday next, at three o'clock in the afternoon.

TUESDAY, P. M., January 15, 1782.

The Council met, but a quorum of the members not attending, the Council adjourned from day to day until Tuesday, the 22d instant.

TUESDAY, January 22d, 1782.

The Council met. Present the same members as on Tuesday last, and also Mr. Cook and Mr. William Polk.

The return of the Sheriff and Inspectors for the County of New Castle, of the election of a Councillor to fill the seat of John Dickinson, Esq., which became vacant by his acceptance of the office of the President of this State, being laid on the table, it appears that Isaac Grantham, Esq., was elected a member of the Council, on the twentieth day of December last, agreeable to the Constitution and Laws of the State.

Mr. Grantham appeared, took the oath and subscribed the declaration prescribed by the twenty-second article of the Constitution of this State, and then took his seat in the Council. [*See note on page 10.*]

On motion,

Ordered, That Mr. McDonough and Mr. Cook be a committee to wait on his Excellency, the President, and acquaint him that the Council, having met, are ready to receive any business he may have to lay before them.

The committee, being returned, reported that they had waited on the President with the message committed to them, according to order, and that he was pleased, in answer, to say that he had laid some business of great importance before the House of Assembly, which, in due course, would come before this House.

The committee appointed to view the premises mentioned in

the petition of John Leuden, now reported that they had viewed the same, and are of opinion that the prayer of the said petition, as therein set forth, may be granted ; whereupon,

On motion of Mr. McDonough, that a committee be appointed to prepare and bring in a bill founded on the said petition, the same was granted.

The gentlemen chosen : Mr. Hyatt, Mr. McDonough, and Mr. William Polk.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met and adjourned till to-morrow morning.

WEDNESDAY, A. M., January 23d, 1782.

The Council met. Present the same members as on yesterday.

The committee appointed to prepare and bring in a bill founded on the petition of John Leuden, now laid on the table a bill for that purpose entitled "A further supplementary act to the act entitled 'An act for the better regulation of the roads in New Castle County ;' " which, by order, was read the first time.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

On motion, by order, the bill entitled "A further supplementary act to the act entitled 'An act for the better regulation of the roads in New Castle County,' " was read the second time.

By special order, the same was read a third time, by paragraphs, and will pass.

Ordered, That the said bill, together with the foregoing petition, be sent to the House of Assembly, for their concurrence, by Mr. Cook;

Who, being returned, reported the delivery thereof according to order.

Adjourned till to-morrow morning at 10 o'clock.

THURSDAY, January 24th, 1782.

The Council met. Present the same members as on yesterday.

Adjourned till to-morrow morning at 10 o'clock.

FRIDAY, A. M., January 25, 1782.

The Council met. Present all the members, except Mr. Conwell, Mr. Cook, and Mr. Polk.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Latimer, a member of Assembly, was admitted and delivered to the Chair a message from the President to the General Assembly, of the 19th instant, with its inclosures.

The same member also delivered to the Chair a new map of the western parts of Virginia, Pennsylvania, Maryland, and North Carolina, with several reports and papers relative to the claims of Virginia, &c.

The same member also delivered to the Chair the supplement to the act entitled "An act for regulating and establishing fees," with an amendment proposed thereto by the House of Assembly.

On motion, by order,

The President's Message, and its inclosures, were severally read, and the said message is in these words, viz:

"*Gentlemen of the General Assembly:*

"The Secretary will lay before you several acts of Congress, "dated October the 30th, November the 2d, 12th, and 23d, "December the 4th, 10th, 11th, and 17th, and January the 2d, "with letters from the President of that honorable body, and the "Financier, relative to the subject of those acts.

"Some of these are of so important a nature, that our utmost "exertions to comply with the requisitions founded upon them "will be the best measures we can possibly pursue to attain and "secure the blessings for which we are contending.

"The successes of the last campaign, obtained, under the favour "of Divine Providence, by the distinguished abilities of the "Commander-in-Chief, the generous aid of the monarch who "does honour to the exalted station he holds, the gallantry and "good conduct of his troops, and of the *American* officers and "soldiers, in every scene of action—the unparalleled harmony "between the combined forces, promising all the fruits of a perfect "and permanent amity, the militia rivaling veterans in bravery

"and discipline—our recovery from the distresses of a depre-
"ciated currency—the resources open to our view—the vigorous
"and economical administration taking place in our finances—
"the enterprising and public spirit of the mercantile part of
"the community, giving motion to so many springs in the
"system of government—the unanimity of the people, in assert-
"ing and defending their independence, are circumstances of
"such moment as to present a prospect of the most prosperous
"events, if the opportunities they offer are seized with decision
"and improved with wisdom.

"They are, however, but steps in our progress to political
"happiness, and by looking back too earnestly upon them, we
"may yet forfeit the inestimable prize we wish to crown our
"labours with at the conclusion of the course.

"In a contest so deeply interesting to us and our posterity,
"we ought to think nothing done while anything remains to be
"done. Our conduct should be regulated by the temper, ability,
"and even the errors of our enemies. Confiding in their wealth
"and strength, animated by the remembrance of former victories,
"and irritated by a resistance subverting the foundations laid by
"their wise ancestors, for more than *Roman* grandeur, they
"discover a fixed resolution to persist, in defiance of every
"difficulty and danger, in their attempts to recover their immense
"losses, aggravated, as they must be, by a consciousness of
"their own imprudence. Thus stimulated they dare a compli-
"cation of wars, face their foes on every side, and combat in
"every quarter of the Globe; demonstrating the prodigious
"supplies of hostility accumulated by a great and long establish-
"ed commercial power, exhibiting a memorable instance of the
"destructive diligence and obdurate perseverance excited by
"the rage of ambition.

"If all this profusion of blood and treasure cannot obtain the
"principally desired and dreadful end of subjugating these States,
"we should remember it has been declared, in a manifesto pub-
"lished by the commissioners appointed under the Great Seal
"of *Britain*, and of which no disapprobation could be obtained
"from either House of Parliament, a secondary end may be an-
"swered—that of rendering, by the EXTREMES of war and deso-
"lation, our connection with *France* of as LITTLE AVAIL to her
"as POSSIBLE.

"How far this avowed principle has heretofore influenced the "military operations on this Continent, it is needless to say: how "far it is to influence the future, let the past determine; but "whatever our sufferings have been, it is worthy of consideration, "whether part of them may not be imputed to our mistakes.

"We, knowing that a vast majority of the inhabitants of these "States will, at every hazard, maintain their independence, now "indispensably necessary for supporting their honour and hap- "piness, and desire no peace but upon this ground, and that "not one in an hundred would risk life or property for recon- "ciliation on any other terms, have relied too much on this solid "mass of opposition. Relaxation ensued, and has been followed "by its natural consequences. Happily for us, indeed, virtue has "frequently paid the arrears of prudence.

"On the other hand, our enemies, viewing the same object "through the deceiving mediums of passion and prejudice, believe "that the thinness of our battalions, and the dilatoriness of our "supplies, are, in a great degree, occasioned by the disaffec- "tion of large numbers to our cause. This error produces an- "other, and leads them to expect a dissolution of public credit, "from dissatisfaction at the burthens imposed, and a flattering "comparison between their funds, supposed by them to be al- "most inexhaustible, and the scantiness of our revenues.

"Inattentive to the smallness of the debt we have contracted "during the war, and the heavy load it has laid upon them, they "seem not to advert to the difference of effects such national "incumbrances must produce in a country prospering by manu- "factures, and another that little depends on such employments; "and while an increase of our burthens only adds to the odium "against the original unprovoked authors of them, they will not "duly estimate the calm and steady resentment of injured and "insulted innocence, and never reflect how much of their pro- "perty they cheerfully spare, who are ready to part with the "whole, for preserving their freedom.

"Another error of our enemies, if they really believe it, or an "artful insinuation, if they do not, deserves notice, as their dis- "guised emissaries endeavor to disseminate it among us. They "suppose, or surmise, that such a cordial friendship can never be "formed between us and the subjects of our ally, as with them-

"selves, because of the dissimilarity of government, laws, man-
"ners, customs, religion and language. There was a time when
"hereditary habits of thinking would easily have admitted this
"doctrine. It is past. The hard-hearted policy of Great Britain,
"and the just and wise magnanimity of France, have restored
"to us the impartial exercise of our judgment; and stating the
"case of a connection between us and each of those kingdoms,
"the very line of distinction, that has been drawn, will remove
"apprehensions with respect to the latter that must exist as
"reasonable for want of it, and on account of the late separation,
"as peculiarly forcible against the former. Mutual interests,
"liberal sentiments, and fair dealing, are better promoters of con-
"cord between nations than resemblances that may prompt and
"cause deceptions, and which we feel to have given edge and
"extension to the fury of those, who now, with preposterous
"ingenuity, urge them as sources of affection.

"If America now rises to a full display of her temper and
"ability, correspondent to the desires and efforts of our illustrious
"ally, she will dispel the errors that have been so fertile of evil,
"and may, in a short time, realize the proposed reward of her
"toils, not otherwise perhaps to be obtained but by a tedious
"struggle, great expense, and renewed losses.

"When such a measure is recommended by the Council that
"presides over the common interests of the Union, and whose
"comprehensive survey of affairs must certainly have suggested
"to them cogent reasons for recommending it in the manner
"they have done, I am perfectly convinced, from my knowledge
"of your zeal, that every possible exertion will be made on your
"part. Permit me only to add, that I cannot but ardently wish
"this State may have the merit of being distinguished by the
"earliest punctuality of compliance.

"Gentlemen—The Secretary will also present to you two let-
"ters from the Commander-in-Chief to me, dated the 3d and
"15th of December, concerning the establishment of a tempor-
"ary hospital, at Wilmington, for sick soldiers returning from
"Virginia, with several papers relative to that business.

"Humanity, and a just respect for his Excellency's senti-
"ments, induce me to pursue every measure within my power
"that appeared likely to save the lives and alleviate the distresses
"of the brave and good men whose relief was intended. I am

"informed that these measures have been of use, and hope they "will meet your approbation.

"I have directed a letter from General Greene, of October the "24th, one from the Secretary of Foreign Affairs, of November "the 12th, and another from the Board of War, of the 19th of "the same month, to be delivered to you, as they contain mat- "ters that will require your consideration.

"Immediately after my going to Philadelphia, as I was well "acquainted with your solicitude to have the execution of your "late resolutions respecting the clothing of our regiment expe- "dited, I applied to the Secretary of War. His letters, of the 3d "and 4th of December, are now sent. By the information "I received from him, and afterward from the Financier, I "thought it improper that any further steps should be taken "until your pleasure could be known on the new circumstances "that have occurred; but there are deficiencies as to the clothing "of the officers that deserve, and therefore, I am assured, will "engage your early and effectual attention. I have desired the "Clothier to lay his accounts before you.

"The Legislature has not yet acted upon a resolution of Con- "gress dated the thirteenth of last June, respecting the officers "of the Hospital and Medical Department.

"The greatest dispatch was made in getting the schooner be- "longing to the State ready, in pursuance of your directions. "She sailed on the 20th day of November, and protected our "trade to advantage, until she was driven into port by a vessel "from New York, of superior force. I have reason to believe "that there will be a coöperation in Pennsylvania, next spring, "with a similar measure. If it is not disagreeable to you, I will "endeavour to procure the concurrence of the State of New Jer- "sey.

"The recruiting service has been begun, and promises the "happiest success. The gentleman appointed to superintend it "will soon report his proceedings.

"On the 20th of November, I wrote to all the Receivers of "Supplies, desiring them to make returns of the supplies deliv- "ered, mentioning the articles, quantities, condition, and dis- "tances from landings. I have had no answer but from the "Receiver for New Castle County.

"As we shall be charged with an interest on the deficiencies of "those supplies, the collection of them should be enforced, or "else, they should be changed into taxes, in specie, and I should "be glad if the Legislature would consider whether this is not "the most eligible mode. There are other deficiencies of taxes "that require a like adjustment.

"I have the pleasure of informing you, that our quota of the "Continental Bills, except a very inconsiderable balance, is trans- "mitted to the Treasurer of the United States.

"The supplies that you so prudently ordered to be provided "at the post of Christiana Bridge, for the army on its return "from York, have been furnished at a less expense than was ex- "pected, as appears by the account of the Commissioners. It "is with particular satisfaction I can say that the service has been "performed in a manner very acceptable to the troops, and repu- "table to the State.

"Gentlemen—As delegates in Congress are now to be appoint- "ed, and a representation cannot consist of less than two, an "addition to the usual number appears to be necessary. Many "questions of the first magnitude will very shortly be agitated in "that assembly. The interest and dignity of the State are con- "cerned in its regular representation. It is to be observed, that "this is a very proper time to give instruction, to those who "may be appointed, to use the strictest diligence in procuring "the claims of boundaries to be immediatly settled upon just "principles.

"I esteemed it my duty to obtain all the information I could "on this momentous business, and the Secretary will deliver "some important documents and papers on that head, as also on "the right to the islands in the Delaware.

"The Militia laws should be explained, amended, and reduced "into one act. The public welfare requires that this mode of "defence should be put upon a more respectable footing.

"I beg leave, also, to recommend the passing of laws for more "effectually preventing insults to the State, by taking vessels "out of its harbors; for establishing a Court of Admiralty and "defining its jurisdiction; for establishing a Naval Office; for "regulating trade and navigation; for establishing one Judge of

"the Supreme Court and of Oyer and Terminer, when he alone "attends to do any judicial act except the trying of causes, and "for the award of *tales de circumstantibus* in such manner that "the administration of justice may not be delayed; for the revi- "val of proceedings in the Court of Oyer and Terminer for Sus- "sex County; and for better securing and escorting prisoners of "war and deserters, upon which occasions a contract for the "rations that may be necessary appears to be the cheapest "method of providing them.

"JOHN DICKINSON."

Adjourned till to-morrow morning at 10 o'clock.

SATURDAY, January 26th, 1782.

The Council met and adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

On motion, by order, the bill entitled "A supplement to the act entitled 'An act for regulating and establishing fees,'" and the amendment proposed thereto by the House of Assembly, were read the second time, and an amendment was proposed by the Council to the said amendment offered by the House of Assembly.

Ordered, That the foregoing amendment be transcribed and sent, for concurrence, to the House of Assembly, with the said bill and amendment proposed by that House, by Mr. McDonough;

Who, being returned, reported the delivery thereof according to order.

Adjourned till Monday morning at 10 o'clock.

MONDAY, January 28th, 1782.

The Council met and adjourned till to-morrow.

TUESDAY, A. M., January 29th, 1782.

The Council met. Present all the members, except Mr. Conwell and Mr. John Polk.

Mr. Latimer, a member of Assembly, was admitted and delivered to the Chair the bill entitled "A supplement to the act entitled "An act for regulating and establishing fees,'" with their amendment, and also the amendment proposed by the Council to the said bill rejected by the House of Assembly.

The Council took the foregoing amendments into consideration, and agreed to the amendment proposed by the House of Assembly, and receded from their own amendment proposed.

Ordered, That the said bill be engrossed.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

On motion, by order, the foregoing bill, being engrossed, was read, compared, and ordered to be sent to the House of Assembly, by Mr. Hyatt, for comparison, and to be signed by the Speaker of that House, together with the original bill and the several papers of amendments proposed thereto.

Ordered also, That Mr. Hyatt deliver to the House of Assembly the President's message and its inclosures.

Mr. Hyatt, being returned, reported the delivery thereof according to order.

Adjourned till to-morrow morning at 10 o'clock.

WEDNESDAY, January 30th, 1782.

The Council met. Present the same members as on yesterday.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Charles Polk, a member of Assembly, was admitted and delivered to the Chair a bill entitled "An act for the protection of the trade of this State on the River and Bay of Delaware."

The same member also delivered to the Chair an act of Congress of the 11th December, 1781, recommending to the Legislatures of the several States to cause to be taken the number of white inhabitants thereof, together with a resolution of the House of Assembly to ascertain the number of white inhabitants within this State.

On motion, by order, the foregoing bill was read the first time.

On motion, by order, the foregoing act of Congress, and the resolution of the House of Assembly to ascertain the number of white inhabitants within this State, founded thereon, were severally read the first time.

Adjourned till to-morrow morning at 10 o'clock.

THURSDAY, A. M., January 31st, 1782.

The Council met. Present the same members as on yesterday.

On motion, by order,

The bill for the protection of the trade of this State on the River and Bay of Delaware, was read the second time and postponed for consideration till the afternoon.

On motion, by order,

The resolution of the House of Assembly to ascertain the number of white inhabitants within this State, was read the second time and concurred in, and is as follows, viz :

"IN THE HOUSE OF ASSEMBLY,
"WEDNESDAY, January 30, 1782.

"On motion,

"*Resolved*, That the several Collectors of the public Taxes in "each Hundred of the respective Counties within this State do, "by the best ways and means in their power, inform themselves "of the number of all white persons within their respective hun- "dreds, and return an exact list thereof, on oath or affirmation "and under their hands, to the General Assembly at their next "meeting, distinguishing therein the number of each sex, male "and female, of the age of eighteen years and upwards, and the "number of each sex under that age.

"That the General Assembly will make provision for the pay- "ment of the Collectors for the service aforesaid.

"Extract from the minutes. JAS. BOOTH,
"Sent for concurrence. *Cl'k of Assembly.*"

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

On motion, by order, the bill for the protection of the trade of this State on the River and Bay of Delaware, was read a third time, by paragraphs, and will pass.

Ordered, That Mr. William Polk return the same to the House of Assembly, together with the resolutions of that House to ascertain the number of white persons within this State, concurred in by the Council, and the act of Congress of the 11th December 1781, accompanying the same.

Mr. Polk reported the delivery thereof according to order.

Adjourned till to-morrow morning.

FRIDAY, February 1, 1782.

The Council met. Present the same members as on yesterday.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Duff, a member of Assembly, was admitted and delivered to the Chair a message from the President to the General Assembly, of the 28th ultimo.

The same member also delivered to the Chair certain resolutions of the House of Assembly for accelerating the recruiting

service, together with certain papers and a letter from Captain James Moore relative to that service.

Mr. Bassett, a member of Assembly, was admitted and delivered to the Chair a bill to remedy the defects that have arisen in the execution of an act of Assembly entitled "An act for embodying a number of the Militia of this State for the purpose of reinforcing the Army of the United States," together with the report of the committee of the House of Assembly on the act for embodying a number of the Militia, &c.

On motion, by order,

The President's message was read the first time, and is as follows, viz:

"*Gentlemen of the General Assembly:*

"My duty obliges me to represent to you, that part of the "ordinance of Congress, dated the fourth day of December last, "concerning captures, is likely to prove particularly and extreme-"ly detrimental to this State. Upon recaptures not made until "the expiration of twenty-four hours after the capture, there is "to be no restitution of any part. This regulation was adopted "by Congress, I believe, for the purpose of conforming therein "to the practice of other nations. So far it may be proper. "But I apprehend there ought to be a distinction made between "captures in common cases, and captures of vessels employed "in the coast trade, for the sole purpose of carrying the produce "of the country to market within the country, and always navi-"gating between lands on each side, without ever passing into "the open sea. The capture of such vessels is almost always "made within cannon shot of the shore, frequently within the "body of a county. They generally continue in or near the "the places where they are taken for upwards of twenty-four "hours, and, in every instance that has come to my knowledge, "the recapture has been made by citizens of some of the United "States. I therefore think, that with strict propriety, such re-"captures should be put upon the same footing with recaptures "of property originally captured on land, which is to be restored "to the former owner upon payment of a reasonable salvage, "not exceeding one-fourth of the value; no regard being had to "the time of possession by the enemy.

"If the present regulation continues in force, the damage to "this State must be exceedingly great, if not irretrievable, during "the war. We have but very few shallops left, and the difficulty "of procuring more is well known. If the property of those "that remain is to be divested in the manner above mentioned, "it is highly probable that in a short time we shall not have a "shallop belonging to any citizen of this State. Of consequence, "we shall not be able to send our produce to market.

"If this matter appears in the same light to you that it does to "me, I hope it will be judged advisable to instruct the Delegates "of this State to use their utmost endeavors to obtain immediately an alteration of the ordinance in this particular.

"The law for prohibiting persons from trading with the enemy, "requires many amendments. I am informed that sometimes "vessels are loaded, and lie in harbor, or sail under such suspicious circumstances, as denote an intention of falling into the "hands of the enemy by collusion. I sincerely wish the wisdom "of the Legislature may devise the most effectual means for preventing or punishing such conduct, as also the practice of going to boats or vessels in the bay or river, and corresponding "with the enemy, without legal authority.

"The Secretary will lay before you several letters, dated December the 24th and January the 3d and 10th, and a report of "Captain Moore's proceedings in the recruiting service, with "some observations on that subject.

"It does not appear that power has been expressly given to "me to appoint a person in Mr. Montgomery's place on his "resignation. I understand that great delay, in settling the "accounts, has been occasioned by the distance at which the "Commissioners reside from one another. I therefore beg leave "to submit to your consideration, whether it may not be best, in "filling up the vacancy, to appoint some person living nigh to "Mr. McComb, as there will then be two Commissioners near "the centre of the State.

"The Secretary will also lay before you a copy of the instructions to the commander of the State schooner, and his letter to "me of the 14th of December. A former letter, therein referred "to, never came to my hand. The diligence, activity, bravery, "and good conduct of this worthy officer, deserve great praise.

"JOHN DICKINSON.

"Dover, January 28, 1782."

Mr. Latimer, a member of Assembly, was admitted and delivered to the Chair the act for more effectually punishing and discouraging offences committed in taking vessels out of the harbors of this State, together with a paper of amendments proposed thereto by the House of Assembly; which were read, considered and agreed to.

Ordered that the said bill be engrossed.

Adjourned till to-morrow morning at 10 o'clock.

SATURDAY, A. M., February 2d, 1782.

The Council met. Present the same members as on yesterday.

On motion, by order,

The bill for punishing and discouraging offences committed in taking vessels out of the harbor of this State, being engrossed, was read and compared, and ordered to be sent to the House of Assembly for comparison, and to be signed by the Speaker of that House.

On motion, by order,

The resolutions of the House of Assembly for accelerating the recruiting service, were read the second time, and an amendment was proposed and agreed to.

On motion, by order,

The bill entitled "An act to remedy defects that have arisen in the execution of an act of Assembly entitled 'An act for embodying a number of Militia of this State for the purpose of reinforcing the Army of the United States,'" was read a second time, and an amendment was proposed and agreed to, and ordered to be transcribed.

Ordered, That the said bill and transcribed amendment; the resolutions for accelerating the recruiting service, with its trans-

cribed amendment; the President's message and Capt. Moore's letter and papers relative to the recruiting service, be sent to the House of Assembly by Mr. McDonough; who is also appointed to deliver the bill for more effectually punishing and discouraging offences committed in taking vessels out of the harbors of this State, to the House of Assembly.

Mr. Collings, a member of Assembly, was admitted and delivered to the Chair a bill entitled "An act to increase the powers of the Justices of the Supreme Court, and for other purposes;" which, by order, was read the first time.

Mr. McDonough now reported the delivery of the papers committed to him.

Mr. Charles Polk, a member of Assembly, was admitted and delivered to the Chair the following verbal message from the House of Assembly to the Council, viz:

"*Gentlemen:*

"The House of Assembly propose to your honorable body "that both Houses meet in the Council Chamber, at 3 o'clock "this afternoon, to put in nomination persons to be balloted for "as Delegates to represent this State in the Congress of the "United States for the present year.

"Dover, Feb. 2, 1782."

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

The Council took into consideration the verbal message from the House of Assembly delivered in the forenoon, and thereupon

Resolved, That the following answer to the same be sent to the House of Assembly, viz:

Gentlemen:

The Council assent to your proposal contained in your verbal message, and will be ready to receive your honorable House at three o'clock this afternoon.

Dover, Feb. 2d, 1782.

Ordered, That Mr. Grantham deliver the same to the House of Assembly.

Mr. Grantham reported the delivery thereof according to order.

The House of Assembly met the Council, in the Council Chamber, agreeable to the order of the day, to put into nomination persons to be balloted for as Delegates to represent this State in the Congress of the United States for the present year, when several persons were nominated, whose names were taken down for the consideration of the members.

On motion,

Resolved, That four persons be elected to represent this State in the Congress of the United States for the present year.

Then the General Assembly proceeded to the ballot, and upon examining the box containing the ballots, it appeared that Philemon Dickinson, Thomas McKean, Cæsar Rodney, and Samuel Wharton, Esquires, were declared duly elected Delegates from this State to the Congress of the United States for the present year.

Resolved, That the General Assembly now separate.

Then the House of Assembly withdrew.

On motion, by order,

The bill entitled "An act to increase the powers of the Justices of the Supreme Court, and for other purposes," was read a second time.

On motion of Mr. William Polk, for leave of absence until 12 o'clock on Monday next, the same was granted to him.

Adjourned till Monday morning at 10 o'clock.

MONDAY, A. M., February 4, 1782.

The Council met. Present all the members as on Saturday, except Mr. John Polk.

Mr. Peery, a member of Assembly, was admitted and delivered to the Chair the bill for establishing a Militia within this State, with a paper of amendments proposed thereto; which were read, considered and agreed to, except as to their sixth, twelfth and thirteenth amendments.

Ordered, That Mr. Baning deliver the said bill and paper of amendments to the House of Assembly.

On motion, by order,

The bill entitled "An act to increase the powers of the Justices of the Supreme Court, and for other purposes," was read a third time, by paragraphs, and some amendments were proposed, agreed to, and ordered to be transcribed and sent therewith to the House of Assembly, for their consideration and concurrence, by Mr. Cook.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Baning now reported the delivery of the several papers committed to him, according to order.

Mr. Barratt, a member of Assembly, was admitted and delivered to the Chair a copy of a letter from Alexander Hamilton, Esquire, (Aid-de-Camp) dated at Headquarters, Middle Brook, April 20th, 1779, and addressed to the commanding officer of the Delaware Regiment, inclosing an act of Congress of the 16th December, 1778, for annexing Capt. McLane's company to the

Delaware Regiment; and also a resolution of the General Assembly of the 1st June, 1779, annexing Capt. McLane's company to the Delaware Regiment, together with certain resolutions of the General Assembly, dated October 31, 1780, empowering the State Treasurer to purchase a sum of money, in specie, for the benefit of the officers of the Delaware Regiment who were made prisoners on Long Island, &c.; and also a certificate, under the hand and seal of General Washington, dated the 31st December, 1781, together with a memorial of Allen McLane, dated January 30, 1782, founded thereon.

The same member also delivered to the Chair an act of Congress of June 13, 1781, respecting the officers of the Hospital and Medical Department, together with a bill entitled "An act for ascertaining the depreciation of the pay accounts of divers persons in the several departments of the army who are credited to this State as part of the quota of the land forces thereof, and for other purposes."

On motion, by order, the foregoing bill, and the several foregoing papers accompanying the same and delivered therewith, were read the first time.

Mr. Cook now reported the delivery of the several papers committed to him, according to order.

Mr. Read, a member of Assembly, was admitted and delivered to the Chair the resolutions for accelerating the recruiting service, with the amendment proposed thereto by the Council acceded to by the House of Assembly.

The same member also delivered to the Chair the bill for establishing a Militia within this State, with the first amendments proposed thereto by the House of Assembly and a paper of additional amendments proposed to the said amendments.

The Council took the said amendments into consideration, receded from such of the amendments of the House of Assembly as they had before disagreed to, and agreed to the additional amendments proposed by that House.

Ordered that the said bill be engrossed.

Mr. Peery, a member of Assembly, was admitted and deliv-

ered to the Chair certain instructions to the Delegates of this State in Congress.

On motion, by order, the foregoing instructions were read the first time.

Adjourned till to-morrow morning at 10 o'clock.

TUESDAY, A. M., February 5, 1782.

The Council met. Present the same members as on yesterday.

On motion, by order,

The resolutions for accelerating the recruiting service, were read, as amended, concurred in, and are as follows, viz:

"The committee to whom was referred Capt. James Moore's "letter respecting the recruiting service, addressed to the Presi- "dent and by him laid before the Assembly, report it as their "opinion that resolutions of the following import be added to "those passed the 13th of November last for recruiting the Dela- "ware Regiment:

"1st. That it be recommended to the President or Com- "mander-in-Chief of this State to appoint one fit person in each "County of this State to muster the men enlisted to serve as "soldiers in the Delaware Regiment under the regulations pre- "scribed in the resolutions of the said 13th of November last.

"2d. That Capt. James Moore be allowed to retain three "shillings per diem in lieu of his rations, out of the monies which "may come into his hands for the recruiting service, so long as "he shall be employed therein.

"3d. That Captain Moore, with the approbation of the Pre- "sident, be authorized to issue orders for rations to such of the "wives of sergeants and old soldiers of the Delaware Regiment "as are within this State, in want of such support, until the "General Assembly shall take further order therein.

"4th. That the President or Commander-in-Chief of the State "be authorized to draw orders upon the State Treasurer for such "further sums of money as he shall judge necessary, from time "to time, for the said recruiting business, not exceeding the ad- "ditional sum of nine hundred pounds.

"5th. That Col. Tilton, of Kent County, and Major Polk of "Sussex County, be authorized to pay unto Capt. Moore, upon the "orders of the President, such sums of specie money, as are or "may be come to their hands, respectively, as recruiting officers "for those two counties, under the act of Assembly entitled 'An "act to recruit the Regiment of this State now in the service "of the United States,' passed at New Castle, on the 12th day "of February last, and that such orders, with receipts thereon, "shall be allowed to them in their accounts with the General As- "sembly.

"6th. That Capt. Moore be authorized to pay, out of the "monies which he shall receive, as aforesaid, the sum of three "pounds, in specie, to any person or persons taking up and de- "livering to him a deserter belonging to the Delaware Regiment, "together with six pence a mile for each mile between the place "in which he may be taken and to which he may be conveyed for "delivery, as aforesaid.

"7th. That Capt. Moore apply to the Clothier-General of the "United States for such articles of clothing as are or may be "necessary and wanting, as well for the old soldiers of the Dela- "ware Regiment, now in the State, as for the new levies there- "of.

"8th. That Capt. Moore be accountable to the General As- "sembly for all such sums of money as shall come into his "hands, in pursuance of the foregoing resolutions, and that he "make monthly returns to the President of his proceedings in "the business aforesaid.

"9th. That it be recommended to the President to order "some of the officers of the Delaware Regiment, now in the "State, and who are under orders to join their regiment, to take "under their command and march off such of the old soldiers, "aforesaid, and the new levies, as may not be necessary to fur- "ther the recruiting service, and to proceed with the utmost ex- "pedition to the Regiment in the Southern Army, under Gen- "eral Greene.

"10th. That in case of the death or other disability of the "said Capt. James Moore, to superintend the recruiting service, "and to perform other the duties prescribed to him, as well by "the several foregoing resolutions as by the said resolves of the "13th of November last, the President or Commander-in-Chief "of this State appoint some other fit person to the same service; "and that every person or persons, so appointed, shall have and "exercise all the powers and duties in the said resolutions res- "pectively prescribed and given to the said Capt. James Moore.

"Sent for concurrence.

"SIMON KOLLOCK, *Speaker.*"

On motion, by order,

The instructions to the Delegates of this State in Congress were read the second time, considered and concurred in, and follow in these words, viz:

"IN THE HOUSE OF ASSEMBLY,
"MONDAY, February 4th, 1782.

"Instructions from the General Assembly of the Delaware "State to the Honorable Thomas McKean, Philemon Dickin- "son, Cæsar Rodney, and Samuel Wharton, Esquires, Dele- "gates from the said State to the Congress of the United States "of America:

"*Gentlemen:*

"The affairs that will engage your attention as Delegates of "this State in Congress are so various and complicated that it is "impossible at this time to point out with precision the conduct "you ought to observe in conducting them.

"We expect that you will form such agreements among your- "selves, respecting your attendance, that this State will always "be regularly represented in Congress, and we desire that you "may, with the greatest diligence, strenuously promote all such "measures as, upon mature deliberation, you shall judge most "efficacious for maintaining and securing the freedom, indepen- "dence and happiness of the United States in general, and of "this State in particular.

"You will perceive by the resolutions of the Legislative Coun-

"cil, and of the House of Assembly, dated the 23d and 28th of "January, 1779, of which a copy is herewith transmitted to you, "the objections made by this State to some articles of the Con- "federation. They appear to us to be well founded, and we "wish you would act conformably to them, and endeavor to pro- "cure an amendment of the Confederation in those particulars; "but we especially require that you will employ your most in- "dustrious exertions for obtaining, without any delay whatever, "a final settlement of the boundaries of those States whose "claims are immoderate, and of the rights of the United States "on the principles of the resolutions, an adherence to which is "so plainly consistent with justice and so indispensably essential "to the peace and welfare of the Union. This business we judge "to be of the first magnitude, as deeply interesting to us and our "posterity, and for very strong reasons we are clearly of opinion "that no time should be lost in bringing it to a conclusion.

"It is probable that the property of the islands in the Dela- "ware may be considered as connected with this subject. We "desire that you will attend also to this point, and that you will "take care that due regard be had therein to the rights of this "State.

"Part of the ordinance of Congress, dated the 4th day of De- "cember last, concerning captures, is likely to prove extremely "and particularly detrimental to this State, without any necessity "urging our being subjected to such hardships. Upon recap- "tures, not made until the expiration of twenty-four hours after "the capture, there is to be no restitution of any part. This "regulation was adopted by Congress, we understand, for the "purpose of conforming to the practice of other nations. So "far it may be proper; but we apprehend there ought to be "a distinction made between captures in common cases and "captures of vessels employed in the inland trade for the sole "purpose of carrying the produce of the country to markets "within the country and always navigating between and in sight "of lands on each side without ever passing into the open sea. "The capture of such vessels is almost always made within can- "non shot of the shore *infra præsidia* of the State, frequently "within the body of a county; they generally continue in or "near the places where they are taken for upwards of twenty- "four hours after, and in every instance that has come to "to our knowledge the recapture has been made by citizens of

"some of the United States. We therefore think, that with the "strictest propriety such recaptures should be put upon the same "footing with recaptures of property originally captured upon "land, which, by the same ordinance, is to be returned to the "former owner upon payment of a reasonable salvage, not ex- "ceeding one-fourth part of the value, no regard being had to "the time of possession by the enemy. If the present regulation "continues in force, the damage to this State must be exceeding- "ly great, if not irretrievable, during the war. We have but very "few shallops left, and the difficulty of procuring more is too well "known. If the property of those that remain is to be divested "in the manner before mentioned, it is highly probable that in a "short time there will not be a vessel belonging to an inhabitant "of this State. Of consequence, we shall not be able to send our "produce to market, and it then becomes utterly impossible for "us to furnish our quota of supplies, which, indeed, is nearly "the case already, from the almost continual interruption of our "commerce by armed vessels from New York. For these rea- "sons we earnestly desire that you will use all the means in your "power to obtain immediately an alteration of the ordinance in "this particular.

"Lastly, we expect and desire, that if any particular doubts or "difficulties present themselves to your minds on questions of "great moment, agitated, or likely to be soon agitated, in Con- "gress, you will communicate them fully to the President of this "State, that he may be enabled to judge of the expediency of "convening the Legislature and taking their sense thereon for "your further direction.

"Signed by order of the House of Assembly,

"SIMON KOLLOCK, *Speaker.*

"Sent for concurrence."

On motion, by order,

The bill for ascertaining the depreciation of the pay accounts of divers persons in the several departments of the army who are credited to this State as part of the quota of the land forces thereof, and for other purposes, was read the second time, and an amendment is proposed, agreed to, and ordered to be transcribed.

Ordered, That Mr. Cook deliver the said bill and transcribed amendment to the House of Assembly, together with the resolutions for accelerating the recruiting service, and the instructions to the Delegates in Congress, respectively concurred in by the Council.

Mr. Cook reported the delivery thereof according to order.

Adjourned to 4 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Duff, a member of Assembly, was admitted and delivered to the Chair a petition from Jacob Vandegrift, in the County of New Castle, with a list of sundry forfeitures in the Court of Oyer and Terminer of Sussex County, and a resolution of the House of Assembly founded thereon, directing the Treasurers to demand the payment of fines and forfeitures.

On motion, by order, the foregoing papers were severally read the first time.

By special order, the foregoing resolution was read the second time and concurred in, and is in these words, viz:

"IN THE HOUSE OF ASSEMBLY,
"MONDAY, Feb. 4, 1782.

"WHEREAS by an act of the General Assembly entitled 'An "act for ascertaining the salaries and allowances to the officers "and persons herein mentioned employed in the Government of "this State, and for providing a fund for the payment thereof,' "passed the 22d February, 1777, it is enacted that all fines and "forfeitures accruing within this State shall belong to and be for "the use of the same, and shall be paid to the Treasurer of the "County where the fine shall be imposed or forfeiture happen; "therefore

"*Resolved*, That the Treasurers of the several Counties of this

"State are hereby directed to demand of the Sheriffs respectively "the payment of the fines and forfeitures which have or may "come into their hands, and on neglect or refusal of payment to "recover the same as the above-recited act directs, except in the "cases of Jacob Vandegrift, in the County of New Castle, and "his sureties, and Nathaniel Hynes and William Messick, in the "County of Sussex, and their sureties; and that they return a "list of the monies they may so receive to the General Assembly "at every meeting thereof.

"Extract from the minutes. JAS. BOOTH,

"Sent for concurrence. *Cl'k of Assembly.*"

Ordered, That Mr. McDonough return the aforesaid resolution, and the petition on which it is founded, to the House of Assembly, the delivery whereof Mr. McDonough reported, according to order.

On motion, by order,

The bill for establishing a Militia within this State, being engrossed, was read and compared, and ordered to be delivered, by Mr. Hyatt, to the House of Assembly, for comparison and to be signed by the Speaker of that House.

Mr. Hyatt reported the delivery according to order.

Mr. Duff, a member of the House of Assembly, attending, was admitted and delivered to the Chair a letter, dated Dec. 27, 1781, from John Evans, Esq., respecting his certificate for money lent the Convention of this State, in September, 1776; a letter from James Adams, representing his distress by reason of his not being paid his account for work done as printer for this State, together with a petition of Richard Janvier respecting the non-payment of his account for the expenses of part of the members of the House of Assembly in January, 1781, and a report of the Joint Committee of Accounts on the said letters and petition.

The same member also delivered to the Chair a letter from Thomas Salter respecting the schooner purchased for this State by Capt. Neil, with a resolution of the House of Assembly for the sale of the State Schooner Vigilant.

On motion, by order, the foregoing papers were severally read the first time.

On motion, by order,

The resolution for the sale of the State Schooner Vigilant, was read the second time, concurred in, and is as follows, viz :

"IN THE HOUSE OF ASSEMBLY,
"MONDAY, Feb. 4, 1782.

"WHEREAS the General Assembly of this State have made "provision for procuring a vessel more suitable for the purpose "of protecting the trade on the Bay and River of Delaware than "the one now belonging to the State ; therefore

"*Resolved*, That Charles Pope, Esq., be and he is hereby em- "powered and directed, with the approbation of the President "and Commander-in-Chief, to make sale of the State Schooner "Vigilant, her tackle, apparel and furniture, at public sale, or "otherwise, for the best price he can obtain for her, and the "money arising by such sale to apply in discharge of a specialty "from Col. Henry Neil to a certain Thomas Salter, of the City "of Philadelphia, given for the price of said Schooner Vigilant, "and the balance remaining in his hands, if any, to account for "with the General Assembly at their next sitting thereafter.

"That the General Assembly will make such allowance to the "said Col. Pope for transacting this business, on settlement of "his accounts, as to them shall appear reasonable and just.

"Extract from the minutes.

"JAS. BOOTH, *Cl'k of Assembly.*"

On motion, by order,

The report of the Joint Committee of Accounts was read, considered, and agreed to.

Ordered, That the said report, and letters therein referred to, and the foregoing resolution, with the concurrence of Council thereto, be returned, by Mr. Cook, to the House of Assembly ;

Who, being returned, reported the delivery according to order.

Mr. Duff, a member of Assembly, was admitted and delivered to the Chair the act to remedy defects, &c. ; the supplement for regulating and establishing fees ; the bill to increase the powers of the Justices of the Supreme Court; the bill for the protection

of the trade, &c.; the bill for punishing offences committed in taking vessels, &c.; the bill for ascertaining the depreciation of the pay accounts, &c.; and the act for establishing a Militia, &c., together with the several bills and amendments, and a resolution of the House of Assembly for affixing the Great Seal thereto, &c.

The foregoing bills, severally signed by the Speaker of the House of Assembly, were read and compared, and ordered to be signed by the Speaker of the Council; which was accordingly done.

On motion, by order,

The resolution for affixing the Great Seal to the foregoing laws was read and concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"MONDAY, Feb. 4, 1782.

"On motion,

"*Resolved*, That the President and Commander-in-Chief affix "the Great Seal of this State to the following laws, to wit:

1. "An act to remedy defects that have arisen in the execution of an act of Assembly entitled 'An act for embodying a number of the Militia of this State for the purpose of reinforcing the Army of the United States;' "

2. "A supplement to the act entitled 'An act for regulating and establishing fees;' "

3. "An act to increase the powers of the Justices of the Supreme Court, and for other purposes;"

4. "An act for the protection of the trade of this State on the Bay and River of Delaware;"

5. "An act for ascertaining the depreciation of the pay accounts of divers persons in the several departments who are credited to this State as part of the quota of the land forces thereof, and for other purposes;"

6. "An act for more effectually punishing and discouraging offences committed in taking vessels out of the harbors of this State;"

7. "An act for establishing a Militia within this State."

"Extract from the minutes. JAS. BOOTH,

"Sent for concurrence. *Cl'k of Assembly.*"

Ordered, That the foregoing bills and resolutions, respectively signed by the Speaker of the Council, be returned to the House of Assembly by Mr. McDonough;

Who, being returned, reported the delivery thereof according to order.

Adjourned till to-morrow morning at 8 o'clock.

WEDNESDAY, A. M., February 6th, 1782.

The Council met. Present the same members as on yesterday.

The Council now proceeded to the settlement of the per diem wages and mileage of the members and Clerk, and thereupon allowed the following accounts, viz:

To the Honorable Thomas Collins, Esq.,	£	29	4 6
To Peter Hyatt, Esq.,		20	10 0
To Isaac Grantham, Esq.,		22	7 6
To Thomas McDonough, Esq.,		23	16 0
To John Cook, Esq.,		22	2 0
To John Banning, Esq.,		21	0 0
To William Polk, Esq.,		13	7 0
To John Polk, Esq.,		8	14 6
To Benjamin Vining, Clerk,		31	12 6
	£	192	14 0

Ordered, That the Speaker of the Council draw orders on the State Treasurer for the payment of the above mentioned sums.

Whereupon the said orders were accordingly drawn and signed by the Speaker.

Then the Council adjourned to the 27th day of May next, to meet at the Town of Dover.

MINUTES OF COUNCIL.

MAY, 1782.

O,K,

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

ADJOURNED SESSION, MAY, 1782.

At a meeting of the Council, at the Town of Dover, in the County of Kent, by adjournment, on Monday, the 27th day of May, A. D. 1782, a sufficient number of the members to form an House not attending, the Council adjourned from day to day until Tuesday, the 11th day of June, 1782.

TUESDAY, June 11th, 1782.

The following members attended, viz :

For New Castle County—Peter Hyatt, Thomas McDonough, Isaac Grantham.

For Kent County—The Hon. Thomas Collins, John Baning, John Cook.

For Sussex County—William Polk.

Adjourned till 10 o'clock to-morrow.

WEDNESDAY, A. M., June 12th, 1782.

The Council met. Present the same members as on yesterday.

On motion, by order, the minutes of yesterday were read.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met and adjourned till 10 o'clock to-morrow.

THURSDAY, June 13th, 1782.

The Council met. Present the same members as on yesterday.

Adjourned till to-morrow morning at 10 o'clock.

FRIDAY, A. M., June 14, 1782.

The Council met. Present the same members as on yesterday.

Mr. Peery, a member of the House of Assembly, attending, was admitted and delivered to the Chair a message, addressed to the General Assembly, from his Excellency, the President, accompanied with the following verbal message from the House of Assembly to the Council relative thereto, viz :

"VERBAL MESSAGE FROM THE ASSEMBLY TO THE COUNCIL.

"*Gentlemen:*

"The House of Assembly propose to your honorable body "that a conference of both Houses be held, in the Council "Chamber, half an hour hence, in order to receive the impor- "tant intelligence which his Excellency, the President, in his "message, now transmitted to you, desires to communicate per- "sonally.

"Friday, A. M."

On motion, by order,

The President's Message was read, and is in the following words, viz:

"*Gentlemen of the General Assembly:*

"I have lately received from a committee of Congress some "important intelligence of such a nature that I do not think my- "self at liberty to communicate it except it be personally.

"I therefore desire the honor of a conference with you while "sitting, or after the houses are risen, as may be most agreeable "to you.

"June 13, 1782. JOHN DICKINSON."

The verbal message from the House of Assembly being considered, the following answer thereto was drawn up and agreed to, viz:

Gentlemen:

The Council assent to the proposal contained in your verbal message, and will be ready to receive your honorable House at the time appointed.

Friday, A. M.

Ordered, That Mr. Baning wait on the House of Assembly with the same, and also return the President's Message.

Mr. Baning, being returned, reported the delivery thereof according to order.

The House of Assembly, agreeable to the order of the day,

met the Council, in the Council Chamber, for the purpose expressed in their verbal message.

Ordered, That Mr. Read, Mr. Vandyke, and Mr. McDonough be a committee to wait on his Excellency, the President, and acquaint him that the two Houses are now met, in the Council Chamber, and are ready to confer with him on the subject matter of his message.

The committee, being returned, reported that they had waited on his Excellency, the President, and delivered the message committed to them, according to order, when his Excellency was pleased, in answer, to say that he would wait on the General Assembly immediately.

The President attended in the Council Chamber, had a conference with the General Assembly and communicated to them the important intelligence referred to in his message, and then withdrew.

Then the two Houses separated, and the Council adjourned till to-morrow morning at 10 o'clock.

SATURDAY, A. M., June 15, 1782.

The Council met. Present the same members as on yesterday, except Mr. Polk.

Mr. Vandyke, a member of the House of Assembly, attending, was admitted and delivered to the Chair a message from his Excellency, the President, to the General Assembly, dated June 12, 1782, accompanied with divers acts of Congress, letters, and other papers, therein referred to.

On motion, by order, the foregoing message and papers were severally read, and the said message is in these words, viz:

"*Gentlemen of the General Assembly:*

"His most Christian majesty has given so many decisive "proofs of his friendship for the United States, and his subjects

"have manifested such a sincere esteem for us, that I am certain "you will learn, with all the pleasure of a grateful affection, that "the wishes of our beloved ally, and of *France*, have been grati- "fied by the birth of a *dauphin*.

"Your joy on this occasion must be enlivened by the honest "warmth which your hearts will feel, by expressing, in the pres- "ent situation of affairs, an inviolable adherence to the engage- "ments of your *alliance* and a just veneration for *national faith*.

"The late remarkable change in the British ministry, uniting a "great number of active, able and popular men in the same ad- "ministration, should in prudence add to the firmness and vigor "of our councils and proceedings.

"Our enemies ought to believe that our sole aim in this just "and necessary war is a safe and honorable peace; and that such "a peace, in our unalterable determination, includes indepen- "dence and concert with our ally.

"There is, however, too much reason to be persuaded that "the present ministers mean no more than to alter their plan of "conducting the war, excite jealousies, disgusts and divisions be- "tween the powers concerned in it, and while they afford us a "temporizing relief from some of its distresses, bend their force "against our friends, and at last return to the accomplishment "of the original object—our destruction.

"In this manner, it seems, all the blessings that might be de- "rived from the present opportunity are to be sacrificed to the "phantoms of ambition and revenge.

"We may, by this renewed persecution, be convinced of these "important truths—that our past calamities ought not to be im- "puted to the late ministers, but that every party in the kingdom "is hostile, and the people in general filled with an inveterate "enmity against us.

"Thus, every pretension to the esteem or confidence of Ame- "rica being removed, we shall receive additional evidence, from "the extended and deep fixed resentments of Great Britain, "that France is our *natural ally*, and our mutual welfare so in- "timately connected, that whatever injures one nation must, in "its consequences, necessarily affect the other.

"Gentlemen—The Secretary will lay before you acts of Con-
"gress dated January 8th and 25th, February the 26th, and
"May the 27th—letters from the Commander-in-Chief, of De-
"cember the 19th, January the 22d, March the 5th and May
"4th—from the Financier, of January the 3d and 8th, February
"the 9th, March the 9th, April the 5th and May 9th—from the
"Secretary of War, of April the 9th—from the Secretary for
"Foreign Affairs, of February the 18th and 19th, and May the
"14th—one from General Greene, of February the 1st, and an-
"other from General Smallwood, of the 28th of the same month.

"From the information contained in several of these letters,
"you will perceive the indispensable obligation imposed upon
"us of drawing forth, from the resources of the State, early and
"adequate supplies, in compliance with the requisitions made,
"while justice and policy, as well as the arts and exertions of our
"enemies, all combine to demonstrate that every measure ought
"immediately to be adopted that can be devised for the support
"of *public credit*. In order to lay a firm foundation for future
"operations, I hope you will expedite the adjustment of all pub-
"lic accounts, and empower and authorize the United States, in
"Congress assembled, to make a final settlement of the propor-
"tions to be borne by each respective State of the general ex-
"penses of the war, from its commencement to the beginning of
"this year.

"I sincerely share with you in the high pleasure you must re-
"ceive from the truly honorable testimony given by that distin-
"guished commander, General Greene, to the uniform *good con-*
"*duct*, *singular merit*, and *important services* of the officers and
"soldiers of our line.

"A reinforcement is in readiness to march to the southward,
"as will appear from the report which I have desired Captain
"Moore to make.

"The Secretary will communicate to you several papers con-
"cerning the sale of the vessel lately belonging to the State, and
"the building of another, together with some correspondencies
"relating to the protection of trade in the River and Bay.

"As I judged it would give you some satisfaction to see how
"the accounts of this State with the United States stand, in the

"books of their Treasury, I have prepared a copy of them, "which is herewith sent.

"Gentlemen—As an attention in rulers to the manners of "the people is so essential to the prosperity of a State, it is "with great regret I find myself compelled, by a regard for my "duty, to represent to you that some further provision appears "necessary for preventing those gross irregularities at places of "diversion, now become so frequent, by which the morals and "circumstances of many individuals are injured, and the wisest "and worthiest persons among us, whose minds are impressed "with a solemn sense of the distresses in which our country is "involved, are deeply afflicted.

"As I presume you will not choose to make a long session at "this season, I will only beg leave to submit to your considera- "tion whether it may not be advisable to appoint a committee for "the purpose of collecting, revising and amending the laws prior "to the Revolution, and preparing an appendix to contain those "that are obsolete, but under which the right to property has been "determined, and to shew when they were made, expired or "were repealed, with such other observations as may be judged "proper; so that the whole work, being hereafter subjected to "the judgment and correction of the Legislature, and then ap- "proved, might form a complete body of our laws to that period.

"JOHN DICKINSON."

Adjourned till 10 o'clock on Monday next.

MONDAY, June 17, 1782.

The Council met. Present the same members as on Saturday, except Mr. Polk.

Adjourned till 10 o'clock to-morrow.

TUESDAY, A. M., June 18th, 1782.

The Council met. Present the same members as on yesterday, except Mr. Cook and Mr. Polk.

Mr. Ridgely, a member of the House of Assembly, attending, was admitted and delivered to the Chair a proposition from the House of Assembly for nominating persons to supply the vacancy in the Common Pleas and Orphans' Courts for Kent County; which, by order, was read, concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"MONDAY, June 17, 1782.

"On motion,

"*Ordered*, That Mr. Ridgely wait on the Council and propose to them that both Houses meet together, in the Council "Chamber, to-morrow at 4 o'clock in the afternoon, to put in "nomination persons to be balloted for to supply the vacancy in "the Court of Common Pleas and Orphans' Court for the County "of Kent, occasioned by the death of John Clark, Esq., Chief "Justice of the said Courts.

"Extract from the minutes. JAS. BOOTH,

"Sent for concurrence. *Cl'k of Assembly.*"

Ordered, That Mr. Grantham return the same to the House of Assembly, with the concurrence of the Council thereto, and also the President's Message of the 12th instant, with the several acts of Congress, letters, and other papers, accompanying the same.

Mr. Grantham, being returned, reported the delivery according to order.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

Mr. Polk now attended.

The Council and House of Assembly, agreeable to the order of the day, met in the Council Chamber for the purpose of putting into nomination persons to be balloted for to supply the vacancy of Chief Justice of the Court of Common Pleas and Orphans' Court for the County of Kent, occasioned by the death of John Clark, Esq., late Chief Justice of said Courts.

Previous to the nomination it was ordered that Mr. Peery, Mr. Waples, and Mr. Grantham be a committee to wait on his Excellency, the President, and request his attendance at such nomination, if he think proper.

The committee reported that they had waited on his Excellency and delivered the message committed to them, when he was pleased to say that he would wait on the General Assembly immediately.

The President attended in the General Assembly. Then the members proceeded to put in nomination persons to fill the said vacancy, whose names were taken down for their consideration.

On motion,

Ordered, That the General Assembly now ballot for a person to fill the same out of the persons so nominated.

Then the General Assembly proceeded to the ballot, and the box being examined, it appeared that there were twenty-one votes in favor of Thomas Collins, Esquire, who was accordingly declared to be duly elected Chief Justice of the Court of Common Pleas and Orphans' Court for the County of Kent.

Then the President withdrew, and the two Houses separated.

Mr. Vandyke, a member of the House of Assembly, attending, was admitted and delivered to the Chair certain resolutions of the House of Assembly respecting a separate treaty of peace with Great Britain.

On motion, by order, the said resolutions were read the first time.

Adjourned till to-morrow morning at 10 o'clock.

WEDNESDAY, A. M., June 19th, 1782.

The Council met. Present the same members as on yesterday, and also Mr. Cook.

On motion, by order,

The resolutions of the House of Assembly respecting a partial or separate treaty for peace with Great Britain, were read the second time, concurred in, and are as follows, viz:

"DELAWARE STATE.

"IN THE HOUSE OF ASSEMBLY, June 18, 1782.

"*Resolved unanimously*, 1. That the United States, in Con-"gress assembled, have, by their Confederation, the sole and "exclusive right and power of determining on peace and war, "and of entering into treaties and alliances.

"2. That the honor and true interests of the United States "require an inviolable adherence to the engagements of the "treaty between his most Christian majesty and the said States.

"3. That any man, or body of men, that shall presume, "without the authority of the said States in Congress assembled "first duly had, to enter into a negotiation concerning a peace "or truce with the King of Great Britain, or his agents, ought "to be considered and treated as enemies of the said States.

"4. That the whole power of this State shall be exerted for "enabling Congress to carry on the war until a peace consistent "with our Federal Union and national faith can be obtained.

"*Ordered*, That a copy of the foregoing resolutions be imme-

"diately transmitted to the Delegates of this State in Congress, "as an instruction to the said Delegates.

"Signed by order of the House of Assembly,

"SIMON KOLLOCK, *Speaker.*

"Sent for concurrence."

Ordered, That Mr. Cook return the foregoing resolutions to the House of Assembly, with the concurrence of the Council thereto.

Mr. Cook reported the delivery thereof according to order.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Latimer, a member of the House of Assembly, attending, was admitted and delivered to the Chair a letter addressed from the Secretary of Foreign Affairs to his Excellency, the President, dated May 14th, 1782, announcing the birth of a Dauphin of France, together with a resolution of the House of Assembly for celebrating the birth of a Dauphin of France.

On motion, by order, the same were severally read.

By special order, the said resolution was read the second time, concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,

"WEDNESDAY, P. M., June 19, 1782.

"The Minister of France having, on the 13th day of May last, "announced to Congress the birth of a Dauphin, and that hon- "orable body having, by their Minister for Foreign Affairs, com- "municated advice thereof to this State,

"*Resolved*, That his Excellency, the President, be desired to

"give such directions as he may judge proper on the occasion "for testifying the great and sincere joy of this State on the "happy event so interesting to his most Christian majesty and "to France.

"Extract from the minutes. JAS. BOOTH,

"Sent for concurrence. *Cl'k of Assembly.*"

Ordered, That the foregoing letter and resolution, as concurred in by the Council, be returned, by Mr. McDonough, to the House of Assembly.

Mr. McDonough reported the delivery according to order.

Adjourned till to-morrow morning at 10 o'clock.

THURSDAY, A. M., June 20th, 1782.

The Council met. Present the same members as on yesterday.

Ordered, That the Speaker issue a writ directed to the High Sheriff of Sussex County for the election of two Councillors for said County, to fill the vacancies occasioned by the deaths of William Conwell and John Polk, Esquires.

Which was accordingly done.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Carty, a member of the House of Assembly, was admitted and delivered to the Chair a bill to prevent the sales of lands, goods or chattels, by virtue of executions, in certain cases, for a limited time, and for other purposes; which, by order, was read the first time.

Mr. Duff, a member of the House of Assembly, attending, was admitted and delivered to the Chair a bill for the aiding and more effectually carrying into execution certain acts of Congress of the 20th and 27th of February, 1782, delivered therewith.

On motion, by order, the same was read the first time.

Adjourned till 9 o'clock to-morrow.

FRIDAY, A. M., June 21st, 1782.

The Council met. Present the same members as on yesterday.

On motion, leave of absence was granted to Mr. Grantham, during the present sitting of the Council, on account of his indisposition.

On motion, by order,

The bill to prevent the sales of lands, goods or chattels by virtue of executions, &c., was read the second time.

On motion, by order,

The bill for more effectually carrying into execution certain acts of Congress of the 20th and 27th February last past, was read the second time.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

On motion, by order, the bill for more effectually carrying into execution certain acts of Congress of the 20th and 27th February, 1782, was read a third time, by paragraphs, and passed the Council.

Ordered, That Mr. Baning return the same to the House of Assembly;

Who, being returned, reported the delivery according to order.

Mr. Duff, a member of the House of Assembly, was admitted and delivered to the Chair a petition from Robert Timmons, a soldier in the Delaware Regiment, for his discharge, with a resolution of the House of Assembly founded thereon.

Mr. Grantham presented his account for his per diem wages and mileage, amounting to £12 : 14 : 0; which was allowed, and an order was drawn for the payment of the same.

On motion, by order,

The petition of Robert Timmons, and the resolution of Assembly, founded thereon, were severally read the first time.

By special order, the said resolution was read the second time.

Ordered, That Capt. Kirkwood be requested to attend the Council and give information to them concerning the enlistment of the said Robert Timmons.

Capt. Kirkwood attended the Council and informed them concerning the enlistment of the said Robert Timmons; whereupon

Ordered, That the said petition and resolution lie over for further consideration until to-morrow.

Adjourned till 8 o'clock to-morrow.

SATURDAY, A. M., June 22, 1782.

The Council met. Present the same members as on yesterday, except Mr. Grantham.

On motion, by order,

The bill to prevent the sales of lands, goods or chattels, &c., was read a third time, by paragraphs, and an amendment was

proposed and agreed to, viz: To add the word [lands] between the word [such] and the word [goods], in first page and twelfth line.

Ordered, That Mr. Polk return the said bill and amendment to the House of Assembly.

Mr. Polk, being returned, reported the delivery thereof according to order.

On motion, the further consideration of the resolution of the House of Assembly for discharging Robert Timmons, was resumed, and the same was disagreed to by the Council.

Mr. Carty, a member of the Assembly, was admitted and delivered to the Chair sundry accounts of purchases made by Messrs. Darby and McClay for the Delaware State, accompanied with a resolution for the payment of £703 : 17 : 1 to William McClay and Henry Darby.

On motion, by order, the same were read.

By special order, the said resolution was read a second time, concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"FRIDAY, P. M., June 21, 1782.

"On motion,

"*Resolved*, That the Speakers of both Houses draw an order "on the State Treasurer for the sum of seven hundred and three "pounds seventeen shillings and one penny in favor of William "McClay, Esq., and Henry Darby, to enable them to discharge "their contracts for supplies of provisions and forage furnished "to the army under General Washington, agreeable to the reso- "lutions of the General Assembly for that purpose, dated the "27th and 29th of October last.

"Extract from the minutes. JAS. BOOTH,
"Sent for concurrence. *Cl'k of Assembly.*"

Doctor Clayton, a member of Assembly, was admitted and delivered to the Chair the bill to prevent the sales of lands, &c., agreed to as amended, and signed by the Speaker of the Assembly; together with the bill for aiding and more effectually carrying

into execution certain acts of Congress, &c., also signed by the Speaker; a resolution for affixing the Great Seal thereto, and the following notification of their intention to adjourn, viz:

"IN THE HOUSE OF ASSEMBLY,
"SATURDAY, June 22, 1782.

"*Ordered*, That Mr. Clayton wait on the Council and inform "them that this House intend to adjourn the present session this "day to some future time.

"Extract from the minutes.

"JAS. BOOTH, *Cl'k of Assembly*."

The foregoing bills, being read and compared, were ordered to be signed by the Speaker; which was accordingly done.

On motion, by order,

The resolution for affixing the Great Seal to the foregoing bills was read, concurred in, and follows in these words, viz:

"IN THE HOUSE OF ASSEMBLY,
"SATURDAY, June 22, 1782.

"On motion,

"*Resolved*, That the President and Commander-in-Chief affix "the Great Seal of the State to the following laws:

1. "An act for aiding and more effectually carrying into execution certain acts of Congress of the twentieth and twenty-seventh days of February last past;"

2. "An act to prevent the sales of lands, goods or chattels, by virtue of executions, in certain cases, for a limited time, and for other purposes."

"Extract from the minutes. JAS. BOOTH,

"Sent for concurrence. *Cl'k of Assembly*."

Mr. Latimer, a member of the House of Assembly, was admitted and delivered to the Chair a memorial from Dr. James Tilton, with the report of the committee of the House of Assembly on the memorials of Capt. James Moore and Doctor Tilton,

and the petition of Genethan Harney, and a resolution of Assembly respecting Doctors Tilton and Latimer.

On motion, by order, the same were severally read.

By special order, the resolution respecting Doctors Tilton and Latimer was read a second time, concurred in, and follows in these words, viz :

"IN THE HOUSE OF ASSEMBLY,
"SATURDAY, June 22, 1782.

"The House resumed the consideration of the report upon "the memorial of Doctor James Tilton, &c., and thereupon

"*Resolved*, That the Speakers of both Houses draw an order "on the State Treasurer in favor of the said James Tilton for one "hundred and fifty pounds, on account of his pay since the 1st "August, 1780; and a similar order in favor of Doctor Henry "Latimer for the sum of one hundred pounds, on account of his "pay since the time aforesaid.

"Extract from the minutes. JAS. BOOTH,
"Sent for concurrence. *Cl'k of Assembly.*"

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Ordered, That the before mentioned bills, respectively signed by the Speaker of the Council, and the resolution of Assembly for affixing the Great Seal thereto, concurred in by the Council, be returned, by Mr. Cook, to the House of Assembly, together with the accounts for purchases made by Messrs. McClay and Darby, and the resolution founded thereon concurred in by the Council; the memorial of Doctor James Tilton, &c., the report of the House of Assembly thereon, and the resolution of that House respecting Doctors Tilton and Latimer.

Mr. Cook reported the delivery according to order.

Mr. Peery, a member of the House of Assembly, attending, was admitted and delivered to the Chair the report of the Auditors of the Pay Accounts of the Officers, &c., of the Delaware Regiment, together with a resolution of the House of Assembly for the payment of the said auditors, and a resolution for employing seamen to navigate the State schooner.

On motion, by order,

The report of the Auditors of the Pay Accounts of the Officers, &c., and the resolution of the House of Assembly founded thereon, were severally read the first time.

By special order, the said resolution was read a second time and concurred in, and is as follows, viz :*

On motion, by order,

The resolution for employing seamen to navigate the State schooner, was read the first time.

By special order, the same was read a second time, concurred in, and is as follows, viz :*

Ordered, That Mr. Cook return the said report of the auditors, &c., and the two foregoing resolutions, with the concurrence of the Council thereto respectively, to the House of Assembly ;

Who, being returned, reported that he had waited on the House of Assembly with the same, according to order.

The Council now took into consideration the accounts of the per diem wages and mileage of their Members and Clerk, brought in for the service of the State during the present meeting, and the following were allowed, viz :

To Isaac Grantham, Esq., for 12 days' attendance on the Council, at 17s. 6d. per day, and mileage, at 6d. per mile, ...	£	12	14 0
To Hon. Thos. Collins, Esq., Speaker, for 15 days' attendance, at 22s. 6d. per day, and mileage, at 1s. per mile, ...		17	8 6
Carried forward, ...	£	30	2 6

* These resolutions are not recorded.

Brought over, ...	£ 30	2	6
To Peter Hyatt, Esq., for 16 days' attendance, at 17s. 6d. per day, and mileage, at 6d. per mile, . . .	15	10	0
To Thomas McDonough, Esq., for 15 days' attendance, at do., and mileage, at do., ...	14	11	6
To William Polk, Esq., for 13 days' attendance and mileage, at do., ...	12	4	6
To Jno. Baning, Esq., for 13 days' attendance, at do.,	11	2	6
To Jno. Cook, Esq., for 16 days' attendance, at do.,	14	12	0
To Benjamin Vining, Esq., for 13 days' attendance as Clerk, &c., ...	15	1	3
	£113	4	3

Ordered, That the Speaker draw orders on the State Treasurer for the payment of the above mentioned sums.

Which was accordingly done.

Ordered also, That the Speaker sign a joint order in favor of Eliza Thompson for £6 : 0 : 0; another in favor of Ann Westly for £9 : 0 : 0; ditto in favor of Rachel Bullen for £13 : 5 : 0; do. in favor of Mary Lewis for £9 : 15 : 0—£38 : 0 : 0.

Which was accordingly done.

Then the Council adjourned to the 20th day of October next.

MINUTES OF COUNCIL.

OCTOBER, 1782.

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VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

REGULAR SESSION, OCTOBER, 1782.

The minutes of this session, which was held at Dover, commencing October 1st, and adjourned November 1st, until January 6th, 1783, are lost, but the following documents submitted, and resolutions, &c., passed, are preserved, to wit:

MESSAGE OF HIS EXCELLENCY, JOHN DICKINSON, PRESIDENT.

"*Gentlemen of the General Assembly:*

"I feel a very sincere pleasure in advising you, that their High "Mightynesses the States General of the United Provinces have "acknowledged and received a Minister Plenipotentiary of the "United States in that quality, an event likely to be immediately "succeeded by treaties of alliance and commerce greatly bene- "ficial to both nations.

"The Secretary will lay before you letters from the President "of Congress, of the 19th and 24th of June, and the 20th of "July—from the Commander in Chief, of the 28th of May—from "the Financier, of the 9th, 29th and 30th of July, the 15th, 17th "and 25th of August, the 12th and 20th of September, and the "5th of October—from the Secretary at War, of the 8th of July, "the 9th of August, and the 15th of October—from the Secretary "for Foreign Affairs, of the 2d of May, and the 12th and 15th of "September—from Governor Clinton, of the 4th of August—

"from General Gist, of the 5th of June—and from the Com-
"manding Officer of our Troops in the Southern Army, of the
"8th of July, and the 10th of August.

"I beg leave to refer you, Gentlemen, to several Acts of Con-
"gress communicated in former Messages, to recommend them
"to your attention at the present Sessions, and to observe, that
"an early as well as a pointed compliance of the several Legisla-
"tures with the determinations of that National Council, is abso-
"lutely necessary for establishing a system of regularity and effi-
"cacy in the affairs and for maintaining the honour of the United
"States.

"You will perceive by a resolution of the House of Assembly
"and the Council of New Jersey, of the 24th of June, that com-
"missioners are appointed for settling and establishing the line
"of jurisdiction between that State, Pennsylvania and this State.
"Commissioners are also appointed by the State of Pennsylvania;
"and such a measure seems proper to be taken on our part for
"settling the line of the jurisdiction in the Bay and River Dela-
"ware.

"Upon considering, after your last recess, some circumstances
"that had lately occurred, I judged it expedient to consult the
"Commander-in-Chief before I should give orders, in pursu-
"ance of your resolutions, for the march of the recruits and sol-
"diers then in the State to the southward. In consequence of
"his answer, and of the second letter above mentioned from the
"Secretary at War, orders were issued for their march to Phila-
"delphia, which have been executed, as will appear by Captain
"Moore's letter of the 7th of August.

"As it appeared to me my indispensable duty to endeavor
"that our militia should be placed on the most respectable foot-
"ing, I have constantly and diligently applied my care to this
"great point. Returns have been required of the military stores,
"and of the arms both public and private fit for service, in each
"County. These are now presented to you; and from them
"you will observe, how necessary it is, that immediate provision
"should be made for procuring further supplies of these articles.
"It is much to be wished, that the General Assembly would also
"devise means for establishing an Artillery Company, with a
"competent number of field-pieces, in each County.

"I have lately reviewed every Regiment in the State, except "the eighth, and have been generally pleased with the appear- "ance and behavior of the officers and privates on this occasion, "and particularly of Colonel Duff's, Colonel Hall's, Colonel "Jones's and Colonel Polk's Regiments.

"An adjustment of all public accounts is a business of such "moment that it ought to be made with dispatch, and published "for the satisfaction of our constituents, and an officer of skill "and integrity should be appointed to keep them in perfect or- "der for the future, so that the General Assembly and Execu- "tive may easily and without loss of time know the state of our "finances, and avoid errors and difficulties in transactions relat- "ing to them. The propriety and advantage of such a measure "are too manifest to need any arguments for enforcing its adop- "tion.

"Many of our titles to lands depend upon records in Pennsyl- "vania. Transcripts from them should be obtained, and duly "recorded in some of our offices. It may not be improper, "that a committee should be empowered to inquire and report "whether the records in general are safely and properly kept.

"The Laws require very considerable amendments to be made, "for preventing substantial justice being defeated or delayed by "unnecessary and injurious forms; for ascertaining with preci- "sion the Statutes prior to the Revolution that are to be regarded "as parts of our jurisprudence; for securing the inestimable bene- "fits of the writ of *habeas corpus;* and for fixing the trial by "jury on such a solid basis as will guard as much as possible "against its being shaken by the dreadful efforts of party rage— "if that blind and destructive power, from which we are now so "happily free, should in times to come attempt to pull down the "pillars in our Courts, for supporting which the precious blood "of our brave fellow citizens has been so nobly offered and liber- "ally poured out. Regulations of this sort will be among the best "inheritances we can leave to our posterity.

"Another amendment humanity compels me to propose, that "persons manumitting healthy slaves, not advanced in years, "should not be obliged to give security for their maintenance, "and that slaves should not be sent upon sale or otherwise to "places distant from their usual residence, by which means

"affectionate and near relations are cruelly separated from one "another, and the remainder of their lives extremely embittered. "The Legislatures of several neighbouring States, moved by a "deep sense of the divine favors to them in this contest for their "own freedom, and by an enlightened commiseration, have "lately passed laws for alleviating the afflictions of this helpless "and too often abused part of their fellow creatures. I entertain "the warmest hopes that the Legislature of this State will emu- "late the most generous and wise examples of this kind.

"JOHN DICKINSON.

"Dover, October 29, 1782."

RESOLUTION IN RELATION TO A DAY OF GENERAL THANKSGIVING.

Resolved, That his Excellency the President be requested to appoint and proclaim that Thursday, the 28th day of November next, be observed throughout this State as a day of solemn thanksgiving for the purposes expressed in the proclamation of the United States in Congress assembled, of the 11th of October instant.

MESSAGE OF HIS EXCELLENCY, JOHN DICKINSON, PRESIDENT.

"*Gentlemen of the General Assembly:*

"The Secretary will present to you a letter from the Minister "of France, of the 14th, and another from Mr. Robert Morris, "of the 18th of this month.

"Such a recommendation, I doubt not, will be duly respected; "and it seems, from all circumstances which have come to my "knowledge, that policy and humanity may both be observed,

"by admitting the recent services of the offender as an atone-
"ment for his former misconduct.

"A barge of the enemy being lately cast on shore near Lewes-
"Town was seized, with her arms, tackle and apparel, and the
"crew were made prisoners by some of the inhabitants of that
"place and the neighborhood. Several young men, who were
"concerned in the seizure, have informed me, that if the State
"would be pleased to give up the public share of the prize to
"them, they would fit her out at their own expense as an armed
"vessel for assisting to protect the navigation of the Bay. It
"appeared to me a proposal deserving to be communicated to
"you. I have seen and examined the boat. She is of very little
"value, and I am persuaded cannot possibly be applied to any
"other use so properly, as in the desired encouragement of the
"men I have mentioned. A list of their names is enclosed.

"By a message of the 19th of last January I recommended the
"passing a law 'For better securing and escorting prisoners of
"war and deserters;' and I now think it my duty to repeat my
"application on that head. For want of due regulations, a very
"unreasonable share of public service is imposed on the Militia
"in some parts of Sussex County; and not unfrequently, after
"they have performed such service in a manner much to their
"credit, prisoners make their escape.

"James Millis, lately keeper of the goal in this town, last week
"discharged ten prisoners of war brought up from Lewes-Town
"and committed to his custody, under pretence that no provi-
"sion was made for their support. Six of them were quickly re-
"taken by the spirited and zealous activity of the Sheriff and
"some inhabitants of this County. Afterwards two of them es-
"caped again. Similar instances have happened too often. If it
"be considered that every one of these prisoners, if detained for
"exchange, might have restored to his country, his family and
"friends, some worthy fellow citizen now languishing in captiv-
"ity, I am sure, you, gentlemen, will feel the proper sentiments
"on circumstances so injurious to our unhappy countrymen, and
"so disreputable to the State.

"JOHN DICKINSON.

"Dover, October 30, 1782."

The aforesaid two letters from the Minister of France and the

Honorable Robert Morris, soliciting a pardon for Luke Shields, were also read, reciting that the said Luke Shields, formerly an inhabitant of Lewes-Town, having fled to the British and acting in the capacity of a pilot on board of one of their armed vessels, was captured by his most Christian majesty's frigate *L' Aigle*, and has rendered very essential services on board her; and recommending that such services be admitted as an atonement for his former misconduct, in adhering to the enemies of his country. —*Extract from Journal of the House of Assembly.*

RESOLUTION IN RELATION TO THE PAYMENT OF TROOPS IN THE SERVICE OF THE UNITED STATES.

WHEREAS Congress, on the first of this instant October, did resolve, "That no monies paid by any of the States to the officers and soldiers of the army of the United States, as pay for "the year 1782, be considered as advanced in behalf of the United States, and that the same be not credited to the State by "which the advance shall have been made;" in order therefore to comply with the economical views of Congress, and do justice to this State,

Resolved, That this State will not in future advance any money, clothing, or other necessaries, as pay, to any of the officers or soldiers of the army of the United States.

AND WHEREAS the General Assembly have directed sundry articles of clothing and sums of money to be furnished to the officers and soldiers of the Delaware Regiment in the Continental Army, in order to relieve their distress, and enable them to discharge their duty to the Continent; and have also furnished divers quantities of forage, provision and other articles for the use of the army of the United States; therefore,

Resolved, That the State Treasurer forthwith form an accurate account of all monies advanced by him to the officers of the Delaware Regiment, and of all clothing and other necessaries provided for them by this State, and of all supplies of whatever kind that have been furnished for the use of the Continent, and for which

draughts have been made on him, by order of the Commander in Chief of the State, or the General Assembly; and that he transmit copies thereof immediately to the General Assembly and to the Paymaster-General, in order that the same may be entered as charges against the officers and troops so paid and supplied and carried as a credit to this State with the United States, out of the present tax.

Resolved, That a copy of these resolutions be sent to the delegates of this State in Congress, as an instruction to them to urge in Congress the propriety of crediting the State with the monies already advanced for the aforesaid purposes; and that they use their utmost endeavors to have such credit given without delay.

RESOLUTION IN RELATION TO APPOINTMENT OF COMMISSIONERS TO SETTLE ACCOUNTS OF THIS STATE WITH THE UNITED STATES.

WHEREAS the nomination of William Winder, Jr., a commissioner for the purpose of settling and adjusting the accounts between the Delaware State and the United States, and for liquidating and settling in specie value all certificates given by public officers to individuals in this State, and other claims by individuals against the United States, according to the form and effect of the act of Congress of the 20th of February 1782, has been duly announced; therefore,

Resolved, That the nomination aforesaid of William Winder, Jr., be and hereby is recognized and approved.

Ordered, That an attested copy of the above resolution be delivered to his Excellency the President of this State, in order that the same be transmitted to the Superintendent of Finance.

RESOLUTION IN RELATION TO BARTHOLOMEW BAYNUM, INDICTED FOR HIGH TREASON.

WHEREAS it has been represented to the General Assembly that a certain Bartholomew Baynum, of the County of Sussex, who stands indicted for high treason, hath refused to surrender himself and abide his legal trial; and is going about in the said County in an armed and hostile manner, in open violation of the Laws of this State, to the injury of the State and the evil example of others; in order, therefore, that he may be apprehended and brought to justice,

Resolved, That the President be requested and empowered to issue his proclamation, offering a reward of fifty dollars to any person or persons who shall apprehend and secure the said Bartholomew Baynum in the public goal of the County aforesaid.

Resolved, That the aforesaid reward be paid by the Treasurer of Sussex County, on the certificate of the Sheriff thereof that he hath received the aforesaid Bartholomew Baynum into the goal of the same County, which sum shall be allowed to the said Treasurer on the settlement of his accounts with the State Treasurer.

RESOLUTION FOR APPOINTMENT OF A COMMISSIONER TO SETTLE ACCOUNTS OF THIS STATE WITH THE UNITED STATES.

WHEREAS the nomination of William Winder, Jr., a Commissioner for settling and adjusting the accounts of this State with the United States, agreeable to the directions of the act of Congress of the 20th of February last, hath been approved by the General Assembly; and it is necessary that some person be nominated and appointed, on the part of this State, to prepare and lay the said accounts before the said commissioner; therefore

Resolved, That William Peery, Esq., be and is hereby appointed for the purpose aforesaid.

Resolved, That the General Assembly will defray the expense that may be incurred by the said William Peery in the discharge of the business aforesaid.

RESOLUTION IN RELATION TO THE ASCERTAINMENT OF THE LOSS OF PROPERTY, &c., BY CITIZENS OF THIS STATE DURING THE WAR.

WHEREAS Congress have requested, that each of the States obtain, as speedily as possible, authentic accounts of the slaves and other property which have been carried off or destroyed by the enemy, in the course of the present war; therefore

Resolved, That the County Treasurers respectively be and they are hereby empowered and directed to issue their orders to the Collectors, to put up three or more advertisements, in the most public places in each Hundred, directing those persons whose slaves have been carried away, or other property taken or destroyed by the enemy, since the commencement of the present war, to make and return, on oath or affirmation, an exact and true account and estimate thereof, to the best of their knowledge, to the Collector of the Hundred such person resides in, who shall transmit the same to the Treasurer of his County.

That the said Treasurer, on receipt of the said accounts and estimates, shall state the same in a fair account, distinguishing the property taken in each Hundred, and return the same to the General Assembly at their next meeting.

That the Levy Court of each County make an adequate allowance to the Treasurer and Collectors of such County for their performance of the duties hereinbefore enjoined them.

MINUTES OF COUNCIL.

JANUARY, 1783.

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

ADJOURNED SESSION, JANUARY, 1783.

At a meeting of the Council at the Town of Dover, in Kent County, by adjournment, on Monday, the 6th day of January, A. D. 1783, a quorum of the members to form an House not attending, the Council adjourned from day to day till Saturday, the 11th instant.

SATURDAY, P. M., January 11th, 1783.

The following members attended, viz:

For New Castle County—Thomas McDonough.

For Kent County—The Hon. John Cook, Richard Bassett, John Baning.

For Sussex County—

George Read, Esquire, a member of the Council chosen for the County of New Castle, on the first day of October last, in the room of Peter Hyatt, Esquire, whose seat became vacant by rotation, appeared in the Council, and took the oath and subscribed the declaration prescribed by the twenty-second article of the Constitution of this State, and then took his seat. [*See note on page 10.*]

Adjourned to Monday at 11 o'clock.

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE

C.K.

MONDAY, P. M., January 13th, 1783.

The Council met. Present the same members as on Saturday, and also Mr. Grantham.

Mr. Read, at his seat, made his excuse for his non-attendance at the meeting of the Council in October last; which was admitted.

Mr. Speaker laid before the Council a letter addressed to the Vice-President of this State, of the 6th instant, by Samuel Wharton, Esquire, one of the Delegates of this State in Congress, inclosing sundry extracts from the Journals of Congress from Sept. 14 to Oct. 29, 1782, together with several resolutions of that honorable body; which, by order, were severally read.

Adjourned to to-morrow at 10 o'clock.

TUESDAY, A. M., January 14, 1783.

The Council met. Present the same members as on yesterday.

Mr. Carty, a member of the House of Assembly, attending, was admitted and delivered to the Chair a letter, dated Philadelphia, Nov. 4, 1782, addressed by the President to the Speaker of the Council, together with a message from his Excellency to the General Assembly, dated Jan. 11, 1783, and the resolutions of the House of Assembly on the committee's report on the said message.

On motion, by order,

The President's Message of the 11th instant, and his letter to the Speaker of the Council, were severally read, and the said message is in these words, viz:

"*Gentlemen of the General Assembly:*

"Since the last recess of the General Assembly, I have been "elected President of the Supreme Executive Council of Penn-"sylvania; and the duties of that office requiring my residence

"there, I was prevented from removing to Wilmington, after I "had got my house in that place prepared, at a considerable "expense, for the reception of my family.

"I wrote immediately to the Honorable the Speaker of the "Legislative Council, requesting him to take the administration "upon him, according to the Constitution, and to the Secretary "to deliver to him the Great Seal.

"The General Assembly will, I hope, approve of my engag- "ing in the employment that has been mentioned, in a sister and "neighbor State—the true interests of both being, by situation "and a variety of circumstances, so intimately connected—espe- "cially when they consider *how earnestly I entreated* to be excus- "ed from accepting the Presidency here—that I have faithfully "and to the best of my abilities served a year—and that I could "*not avoid* accepting the Presidency lately conferred upon me, "without involving myself in circumstances exceedingly disa- "greeable.

"I now do myself the honour of waiting upon you, gentlemen, "to inform you of this event, and to acquaint you, that I am "ready to resign the dignity I hold in this Republic, in such "manner as you shall judge proper. But permit me to add that "my affection and gratitude to the State I never will resign but "with my life.

"My words are unable to do justice to my sentiments on this "occasion. I cannot but remember that I have transacted a "multiplicity of business with most of you for several years, "and in times of distress, and have never had the least personal "difference with any one of you. I cannot but remember the "politeness and kindness with which, in your public and private "capacities, you have constantly treated me.

"Be pleased, gentlemen, to receive the warmest thanks my "heart can feel for these instances of your goodness; and allow "me to trust that you will continue to me the share of your "esteem which has been and will always be so great a part of "my happiness.

"That Divine Providence may protect and bless you, gentle- "men, and that this State may flourish and abound with pros- "perities till time shall be no more, is my fervent prayer.

"JOHN DICKINSON.

"Dover, January 11, 1783."

On motion, by order,

The resolutions of the House of Assembly upon the committee's report on the President's Message of the 11th instant, were read the first time.

Mr. Charles Polk, a member of the House of Assembly, attending, was admitted and delivered to the Chair a resolution for the appointment of a Committee of Accounts.

On motion, by order, the foregoing resolution was read the first time.

By special order, the same was read a second time, concurred in, and is as follows, viz :

"IN THE HOUSE OF ASSEMBLY,
"TUESDAY, A. M., Jan. 14, 1783.

"On motion,

"*Resolved*, That Messrs. Thomas Kean, Philip Barratt, and "Nathaniel Waples be a Committee of Public Accounts, on the "part of this House, and that Mr. Polk wait on the Council with "a copy of this resolution, and propose to them the appointment "of a committee of their body to join with the committee of this "House in the business aforesaid.

"JAS. BOOTH, *Cl'k of Assembly.*"

And thereupon, on motion,

Resolved, That Messrs. John Baning and Joshua Polk be a committee on the part of the Council to join with the committee of the House of Assembly in the business above mentioned.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met and adjourned till to-morrow morning at 10 o'clock.

WEDNESDAY, A. M., January 15th, 1783.

The Council met. Present the same members as on yesterday, and also Mr. Joshua Polk.

Ordered, That Mr. Grantham return to the House of Assembly the resolution for the appointment of a Committee of Accounts, with the concurrence and appointment of the Council thereto. That the same member also return to that House the several letters from the Financier, with their inclosures, which were delivered to the Council from the Assembly previous to the late adjournment.

On motion of Mr. Read, that a committee be appointed to prepare and bring in a bill for methodizing the public accounts, and for the more effectual settlement of the same, the same was agreed to.

Whereupon Mr. Read, Mr. Bassett, and Mr. McDonough are appointed a committee for that purpose.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Grantham now reported the delivery of the papers committed to him, according to order.

Adjourned to 10 o'clock to-morrow.

THURSDAY, January 16, 1783.

The Council met. Present the same members as on yesterday, and also Mr. William Polk.

Several of the members attending on committees, the Council adjourned till to-morrow at 10 o'clock.

FRIDAY, January 17, 1783.

The Council met. Present the same members as on yesterday.

Several of the members attending on committees, the Council adjourned till to-morrow at 10 o'clock.

SATURDAY, A. M., January 18, 1783.

The Council met. Present the same members as on yesterday, except Mr. Joshua Polk.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met and adjourned till Monday morning at 11 o'clock.

MONDAY, P. M., January 20th, 1783.

The Council met. Present the same members as on Saturday.

Mr. James, a member of the House of Assembly, attending, was admitted and presented to the Chair a message, dated January 13th, 1783, from the President to the General Assembly, together with a message, of the same instant, from the Vice-President to the General Assembly, inclosing one letter from the Secretary for Foreign Affairs of the 23d of December last; one from the Assistant Secretary of War of the 3d instant, and two from the Financier of the 21st and 23d of October last; besides divers letters and papers containing intelligence of a public nature, and also another message from the same of the 17th inst.

The same member also delivered a letter of the 8th instant, addressed by Captain McKennan to the President of this State, relative to the arrival of the Delaware troops from the Southern army, with a resolution of the House of Assembly founded thereon.

The same member also delivered certain resolutions of the House of Assembly respecting the State schooner.

The same member also delivered an account from Thomas Bradford, printer, for printing done for this State, amounting to £31 : 2 : 6, with a resolution of the House of Assembly for the payment of the same, and a blank order on the State Treasurer, for the above sum, in favor of James Booth, Esq., to enable him to discharge the said account.

The same member also delivered an account from Samuel Smith, Esq., late High Sheriff of New Castle County, for services done, amounting to £7 : 10, with a resolution of the House of Assembly for the payment of the same, and a blank order on the State Treasurer for that purpose.

Adjourned till 10 o'clock to-morrow.

TUESDAY, A. M., Jan. 21st, 1783.

The Council met. Present the same members as on yesterday, and also Mr. Joshua Polk and Mr. Collins.

On motion, by order,

The President's Message of the 13th instant was read, and is as follows, viz:

"*Gentlemen of the General Assembly:*

"I omitted mentioning in my last address to you that I have "advanced money and incurred debts to a considerable amount "for the use of the State. I make no doubt but due care will "be taken that these shall be soon discharged.

"Dover, January 13th, 1783. JOHN DICKINSON."

On motion, by order,

The message from the Vice-President, of the same date, was read, and follows in these words, viz:

"*Gentlemen of the General Assembly:*

"In the absence of the President from the State, and upon "his request, signified to me by a letter dated at Philadelphia, "the 4th of November last, I assumed the administration of the "government, agreeable to the Constitution, a few days after "your adjournment of the last sessions, and have exercised the "same during your late recess, with every endeaver to discharge "the important trust thus devolved upon me, with diligence and "fidelity.

"The trade of this State on the Bay and River Delaware, at "the time I entered upon the administration, evidently required "every possible exertion for its protection, and the insufficiency "of our funds prevented the equipment of the State schooner "for that purpose. I therefore judged it most advisable to fit "out the said vessel, if practicable, in concert with the State of "Pennsylvania, whose interests are equally affected by the ene-"my. Accordingly, with the concurrence of several members "of the Council and Assembly, on the 13th of November last,

"I issued instructions to Charles Pope, Esq., commander of the "said schooner, to contract with the Marine Commissioner of "Pennsylvania, for transferring to that State, by way of sale, a "part of the said vessel, and generally to concur with them in "adopting such measures as might be requisite for her speedy "equipment for the protection of the trade. The Secretary will "lay before you a duplicate of these instructions, and the cor- "respondence between the said commissioners and Charles Pope, "by which you will perceive that he has been unable to effectu- "ate the measures recommended to him.

"This State having incurred a considerable debt in building "and arming the said vessel, and our funds at this time being "inadequate to her present equipment and regular maintenance, "I beg leave to suggest it, as expedient, that application be "made to the State of New Jersey to employ the said vessel "jointly with this State for the protection of the trade of both, "which is similarly circumstanced and equally exposed. If this "measure is unattainable, or does not meet with the approba- "tion of the General Assembly, I think it would redound to the "interest of the State that she should be sold.

"I have directed the Secretary to lay before you the following "letters—one from the Secretary for Foreign Affairs of the 23d "of December last—one from the Assistant Secretary at War, "of the 3d instant—and two from the Financier, of the 21st and "23d of October last.

"To the requisitions of Congress, inclosed in the letters from "the Financier, I have no doubt but that your honors will pay "that attention which their importance require; and I beg leave "to recommend to you that a distinction and appropriation of "the public taxes, which Congress have strongly urged for ob- "vious and cogent reasons, be made.

"The Secretary will also lay before you divers letters and "papers containing intelligence of a public nature, which I have "received in the recess of the General Assembly.

"JOHN COOK, *Vice-President.*

"Dover, January 13, 1783."

On motion, by order,

The Vice-President's Message of the 17th instant was also read, and is as follows, viz :

"*Gentlemen of the General Assembly:*

"I last evening received intelligence from Capt. McKennan, "commanding that part of the Delaware Regiment which have "been doing duty in the Southern Army, that he is on his march "to this State and may be expected by the twentieth instant. "Lieutenant Hyatt has been sent forward with this information, "and to assist in making preparation for the reception of those "troops. As I am not informed from any public authority that "they are destined for any service immediately, it will be neces- "sary that provision and quarters should be had and made for "them forthwith, and therefore I recommend this business to "you. The Secretary will lay Capt. McKennan's letter before "you, and should the General Assembly wish to be further in- "formed of the numbers and conditions of the returning troops, "Lieut. Hyatt will attend them. As the other part of the Dela- "ware Regiment is quartered in the City of Philadelphia, I "think it right to transmit the account of the advance of those "under Capt. McKennan to the Secretary at War, or this State's "Delegates in Congress, that I may certainly know whether "quarters for the winter or only temporary ones ought to be "provided for them in this State; but of this measure I shall be "glad to know the sense of the General Assembly.

"JOHN COOK, *Vice-President.*

"Dover, January 17th, 1783."

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met and adjourned till to-morrow morning at 10 o'clock.

WEDNESDAY, A. M., Jan. 22d, 1783.

The Council met. Present the same members as on yesterday.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

On motion, by order, the account from Thomas Bradford, printer, and the resolution of the House of Assembly founded thereon, were severally read the first time, together with the order drawn for the payment of the same in favor of Jas. Booth, Esquire.

On motion, by order,

The account from Samuel Smith, Esq., late Sheriff of New Castle County, for services done, and the resolution of the House of Assembly for the payment of the same, and the order drawn for that purpose, were severally read the first time.

On motion, by order,

The foregoing account of Thomas Bradford, printer, was read the second time and allowed.

On motion, by order,

The resolution founded thereon, was read the second time, concurred in, and follows in these words, viz:

"IN THE HOUSE OF ASSEMBLY,
"THURSDAY, A. M., Jan. 16, 1783.

"An account was presented to the Chair from Thomas Brad-
"ford, for printing done for this State, amounting to £31 : 12 : 6,
"which was allowed; thereupon

"*Resolved*, That the Speakers of both Houses draw an order "on the State Treasurer for the payment of the above sum to "James Booth, to be by him applied to the discharge of the "aforesaid debt due to Thomas Bradford from this State.

"JAS. BOOTH, *Cl'k of Assembly.*

"Sent for concurrence."

On motion, by order,

The account from Samuel Smith, Esq., was read the second time and allowed.

On motion, by order,

The resolution of the House of Assembly for the payment of the same, was read the second time, concurred in, and is as follows, viz :

"IN THE HOUSE OF ASSEMBLY,
"FRIDAY, Jan. 17, 1783.

"An account was presented to the Chair from Samuel Smith, "Esq., late Sheriff of New Castle County, amounting to seven "pounds ten shillings, which was read and allowed.

"*Resolved*, That the Speakers of both Houses draw an order "on the State Treasurer for the payment of the said sum of "seven pounds ten shillings to the aforesaid Samuel Smith.

"JAS. BOOTH, *Cl'k of Assembly.*

"Sent for concurrence."

And thereupon the orders drawn on the State Treasurer for the payment of the two foregoing accounts were severally signed by the Speaker.

The committee appointed to prepare and bring in a bill for methodizing the public accounts, and for the more effectual settlement of the same, now reported that they had essayed a draught of a bill for that purpose ; which was laid on the table, and, by order, read the first time.

Adjourned to 10 o'clock to-morrow.

THURSDAY, A. M., Jan. 23d, 1783.

The Council met. Present all the members.

Mr. Davis, a member of the House of Assembly, attending, was admitted and delivered to the Chair a bill for raising 26,250 pounds for the service of the present year, accompanied with sundry requisitions of Congress, and other papers, on which the same was founded.

The same member also delivered the accounts of George Craghead, the Clothier-General of this State, with the report of the joint committee thereon, and a resolution of the House of Assembly for the payment of £481 : 2 : 8 to the said George Craghead, Esq.

Mr. Duff, a member of the House of Assembly, was admitted and delivered to the Chair a message from the Vice-President to the House of Assembly on the subject of a letter addressed to him by William Winder, Esq., the Commissioner appointed for adjusting the accounts between this State and the United States, with its inclosures, and a resolution of the House of Assembly founded thereon.

Mr. Collins, a member, &c., was admitted and delivered to the Chair an account of John Gorden, Esq., late Sheriff of Kent County, amounting to £7 : 10 ; with a resolution of the House of Assembly for the payment of the same.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

On motion, by order, the report of the Joint Committee of Accounts on the Clothier-General's accounts, and the resolution accompanying the same, were severally read the first time.

By special order, the same were read a second time, and the resolution was concurred in.

On motion, by order,

The account of John Gorden, Esq., amounting to £7 : 10, and the resolution of the House of Assembly for the payment of the same, were severally read the first time.

By special order, the same were read a second time, and the said account was allowed, and the resolution concurred in.

Ordered, That Mr. Collins return to the House of Assembly the Clothier-General's accounts, the report of the Committee of Accounts thereon, and the resolution for the payment of £481 : 2 : 8 to the said Clothier-General, concurred in by the Council; and that he also return the accounts of John Gorden and Samuel Smith, Esqs., for seven pounds and ten shillings each, and the account of Thomas Bradford, printer, amounting to £31 : 12 : 6, together with the several resolutions for the payment of the said sums, severally concurred in, to the House of Assembly.

Mr. Collins reported the delivery of the foregoing papers according to order.

On motion, by order,

The bill for raising £26,250 for the service of the year 1783, was read the first time.

On motion, by order,

The Vice-President's Message on the subject of Mr. Winder's letter, and the resolution founded thereon, were severally read, and the said resolution was concurred in.

Ordered, That Mr. Polk return the foregoing message and resolution, with the concurrence of the Council thereto, to the House of Assembly;

Who, being returned, reported the delivery of the same according to order.

On motion of Mr. Read, that leave be given him to bring in a bill "For preventing and punishing the counterfeiting of the common seal, bank bills and bank notes of the President, Direc-

tors and Company of the Bank of North America," the same was granted; whereupon a draught of a bill for that purpose was laid on the table, and, by order, read the first time.

On motion for the second reading of the resolutions upon the committee's report on the President's Message of the 11th January instant, the same was seconded, and passed in the negative.

An order on the State Treasurer in favor of George Craghead, Esquire, for the payment of £481 : 2 : 8, was presented by the Speaker of the House of Assembly, in order to be signed by the Speaker of the Council; which was accordingly done, and returned.

Adjourned till to-morrow at 10 o'clock.

FRIDAY, Jan. 24, 1783.

The Council met. Present all the members.

On motion, by order, the bill for auditing and arranging the accounts of this State, and for the more speedy and effectual settlement of the same, was read the second time and postponed for consideration.

Mr. Molleston, a member of Assembly, was admitted and delivered to the Chair the accounts of Wm. Millan, late Receiver of Supplies for New Castle County, and their vouchers, together with the proceedings of the House of Assembly upon the said accounts.

Mr. Kean, a member of Assembly, attending, was admitted and delivered to the Chair the returns of the Second Delaware Regiment, commanded by Lieut. Colonel Henry Neill, together with the pay-rolls of the several officers belonging to the said regiment.

Adjourned till to-morrow morning at 10 o'clock.

SATURDAY, A. M., Jan. 25, 1783.

The Council met. Present the same members as on yesterday.

On motion, by order,

The bill for auditing and arranging the accounts of this State, &c., was read a third time, by paragraphs, for the consideration and amendment of the Council, and after some time spent therein the same was postponed till the afternoon.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

The Council now resumed the consideration of the bill for auditing and arranging the accounts, &c., and after some time spent therein the further consideration is postponed till Monday morning at ten o'clock.

Adjourned till Monday at 10 o'clock.

MONDAY, Jan. 27, 1783.

The Council met. Present the same members as on Saturday last.

Mr. Charles Polk, a member of Assembly, attending, was admitted and delivered to the Chair a bill to exclude members of the General Assembly from places of profit, &c.

The Council now proceeded in the further consideration of the bill for auditing and arranging the accounts of this State, &c.,

agreeable to the order of the day, and the same, after some debate, will pass.

Ordered, That the same be transcribed and sent, for consideration and concurrence, to the House of Assembly.

Mr. Hazzard, a member of Assembly, attending, was admitted and delivered to the Chair the report and state of the public accounts by the Auditor, William Killen, Esq., together with the vouchers thereto belonging and accompanying the same.

Mr. Waples, a member of Assembly, attending, was admitted and delivered to the Chair a resolution respecting the adjournment of the General Assembly on Saturday next to some future day.

Mr. Duff, a member of Assembly, attending, was admitted and delivered to the Chair a petition of James Abbott, and also a petition of George Abbott and Charles Williams, which, after their second reading in the House of Assembly, were referred to Capt. James Moore, Superintendent of the Recruiting Service, to do therein what the good of the service and the laws of the State may require.

Mr. Bassett presented the Chair with Mr. Dickinson's resignation of the Presidency of this State, by a writing, under his hand and seal, dated at Dover, Jan. 14, 1783.

On motion, Mr. Bassett has leave of absence till 3 o'clock to-morrow afternoon.

On motion, by order,

The bill for preventing, &c., counterfeiting of the common seal, bank bills, &c., of the Bank of North America, was read second time.

The same was read the third time, by paragraphs, and passed the Council.

Ordered that the same be transcribed.

Adjourned till to-morrow morning at 10 o'clock.

TUESDAY, A. M., Jan. 28, 1783.

The Council met. Present the same members as on yesterday, except Mr. Bassett.

Ordered, That Mr. Collins deliver to the House of Assembly the bill for auditing and arranging the accounts of this State, &c., together with the bill for preventing and punishing the counterfeiting of the common seal, bank notes, &c., of the Bank of North America, for their consideration.

Dr. Ridgely, a member of Assembly, attending, was admitted and delivered to the Chair a letter from John Pringle, dated the 28th instant, to Col. Charles Pope, respecting the State schooner, together with a proposal for the appointment of a committee of the Council to confer with a committee of the House of Assembly on the subject matter of the said letter.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Collins now reported the delivery of the papers committed to him, according to order.

On motion, by order,

The letter from John Pringle, and the proposal for an appointment of a committee on the part of the Council to confer with a committee of the House of Assembly on the subject of the said letter, were severally read the first time.

By special order, the said resolution was read a second time and concurred in.

And thereupon

Resolved, That Messrs. Collins and McDonough be a committee on the part of this House to confer with the committee of the House of Assembly on the business above mentioned.

Ordered, That the said letter and resolution, with the concurrence and appointment of the Council thereto, be returned, by Mr. Grantham, to the House of Assembly;

Who, being returned, reported the delivery thereof according to order.

On motion, by order,

Mr. Dickinson's resignation of the Presidency of this State, by a writing under his hand and seal, was read the first time, and is as follows, viz:

"I, the subscriber, hereby resign to the General Assembly "of the Delaware State the office of President, Commander-in-"Chief and Capt.-General of the State. In witness whereof I "have hereunto set my hand and affixed my seal, at Dover, this "fourteenth day of January, in the year of our Lord one thou-"sand seven hundred and eighty-three.

"(Signed) JOHN DICKINSON."

On motion, by order,

The petitions of James Abbott and George Abbott were severally read the first time.

On motion, by order,

The bill to exclude members of the General Assembly from places of profit, &c., was read the first time.

On motion, by order,

Lieut.-Col. Henry Neill's pay-roll of the Second Delaware Regiment was read the first time.

On motion, by order,

The bill for raising £26,250 for the service of the present year was read the second time.

Adjourned till to-morrow at 10 o'clock.

WEDNESDAY, A. M., Jan. 29th, 1783.

The Council met. Present the same members as on yesterday, and also Mr. Bassett.

The Council, taking into consideration the resolutions of Congress of the 30th of October and 2d of November, 1781, came to the following resolution, viz :

WHEREAS Congress, by their resolutions of the 30th of Oct. and 2d of Nov., 1781, called upon the United States for their respective quotas of eight millions of dollars for the war department and civil list for the then ensuing year, of which sum this State's computed quota was 112,085 dollars; and whereas the act of Assembly entitled "An act for raising £23,625, in specie, for the service of the year 1782," passed the 13th day of November, 1781, recognizing the requisition of Congress for a quota of supplies and money necessary for supporting the Army of the United States, and defraying other expenses incurred in the prosecution of the present war, is the only fund out of which any part of the computed quota aforesaid may be discharged; and whereas by the said act of Assembly the said sum of £23,625, when brought into the Treasury, is made subject to the joint draughts of the Speakers of the Council and Assembly by order of their respective Houses ; it is therefore

Ordered and Resolved, That the respective Speakers be and hereby are authorized and required to make and subscribe a joint draught upon or warrant to the State Treasurer to pay to the Receiver appointed by the Superintendent of Finance within this State, upon the order or orders of the said Superintendent, the sum of £21,015 : 18 : 9, equal to one moiety of this State's computed quota of the said 112,085 dollars, out of the monies which shall come into the Treasury of the State under or by means of the above mentioned and recited act of Assembly, the said State Treasurer taking such Receiver's receipt on the order of the Superintendent of Finance.

Ordered that the same be transcribed.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Ordered, That Mr. Bassett deliver the foregoing resolution to the House of Assembly, for their consideration and concurrence.

Mr. Bassett reported the delivery thereof according to order.

On motion, by order,

The bill for raising £26,250, &c., for the service of the present year, was read the third time, by paragraphs, and after some time spent therein the further consideration is postponed till to-morrow morning.

Mr. James, a member of Assembly, attending, was admitted and delivered to the Chair the bill for auditing and arranging the accounts of this State, &c., with a paper of amendments proposed thereto by the House of Assembly.

The same member also delivered the bill for preventing and punishing the counterfeiting of the common seal, bank notes, &c., with a paper of amendments proposed thereto.

The same member also returned the resolution of Council, founded on the resolutions of Congress of the 30th October and 2d November, 1781, with a paper of amendments proposed thereto.

The same member also delivered a proposition from the House of Assembly for nominating persons to be balloted for as Delegates from this State to Congress.

Adjourned till 9 o'clock to-morrow morning.

THURSDAY, A. M., Jan. 30, 1783.

The Council met. Present all the members.

On motion, by order,

The general account of William Millan, and the report of the committee of the House of Assembly on the same, were read the first time, and an amendment was proposed to the general account; which was agreed to, and ordered to be transcribed.

The committee of Council appointed to confer with the committee of the House of Assembly on the subject matter of Mr. John Pringle's letter relative to the fitting out of the schooner belonging to this State, now laid their report on the table.

The Council now proceeded in the further consideration of the bill for raising £26,250, &c., by a general tax, and the same is further postponed till the afternoon.

Ordered, That Mr. Grantham deliver to the House of Assembly the President's resignation of the Presidency of this State, together with the general account of William Millan, and the paper of amendments proposed thereto by the Council.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met and debated upon the paragraphs of the bill for raising £26,250, and sundry amendments were proposed, agreed to, and ordered to be transcribed and sent, by Mr. Grantham, to the House of Assembly; who now reported the delivery of the papers committed to him, according to order.

Mr. Peery, a member of Assembly, was admitted and delivered to the Chair the account of Robert Bryan, Esq., Treasurer of New Castle County, for money advanced to the officers and

soldiers of the Delaware Regiment, amounting to £255 : 19 : 4, together with a resolution of the House of Assembly for the payment of the same to the said Robert Bryan, and a blank order for that purpose.

The same member also delivered a petition of Wm. Simpson, with the report of the House of Assembly thereon, and a blank order in favor of the said Wm. Simpson.

The same member delivered W. Peery's account for money paid Col. Chas. Pope, for £455, with resolution for payment of the same.

Mr. Duff, a member of Assembly, was admitted and delivered to the Chair the general account of Wm. Millan, and the amendment proposed thereto by the Council acceded to by the House of Assembly.

Mr. Charles Polk, a member of Assembly, was admitted and delivered to the Chair a bill for discharging the half pay of officers of the Delaware Regiment dying in the service to their widows, &c.

Mr. William Polk presented to the Chair a petition from Isaac Short, a soldier in the Delaware Regiment.

Adjourned till to-morrow at 10 o'clock.

FRIDAY, A. M., Jan. 31st, 1783.

The Council met. Present all the members.

On motion, by order,

The report of the committee of the House of Assembly on Wm. Millan's account, was read the first time.

By special order, the same was read the second time, concurred in, and is as follows, viz :

"IN THE HOUSE OF ASSEMBLY,
"FRIDAY, A. M., Jan. 24, 1783.

"The House resumed the consideration of the accounts of "William Millan, late Receiver of Supplies for New Castle "County, and the same being examined and approved, it ap- "pears that there is a balance of £49 : 0 : 4 due from the said "Wm. Millan to this State; but it is hereby declared, that such "errors or delinquencies as may happen on the uncollected "supplies, amounting to £594 : 9 : 9¾, with which the said "William Millan is charged in the aforesaid account, shall be "hereafter allowed to him upon his producing the same, pro- "perly authenticated under the hands of the Justices of the Peace "of the hundred in which such delinquency may happen.

"JAS. BOOTH, *Cl'k of Assembly.*

"Sent for concurrence.

Ordered, That Mr. Grantham return the foregoing report, with the concurrence of the Council thereto, and the several accounts and vouchers accompanying the same, to the House of Assembly.

Mr. Grantham reported the delivery of the papers above mentioned to the House of Assembly.

The Council now took into consideration the amendments proposed by the House of Assembly to the bill for auditing and arranging the accounts of this State, &c., and proposed additional amendments to the said bill, and also to the said amendments of the House of Assembly; which were ordered to be transcribed.

Mr. Peery, a member of Assembly, was admitted and delivered to the Chair a message from the House of Assembly to the Council, of this morning, relative to the address or resignation of John Dickinson, Esq., late President of this State, accompanied with the said address.

Ordered, That Mr. Collins deliver to the House of Assembly the bill for auditing and arranging the accounts of this State, &c., with their paper of amendments generally acceded to by the Council, and a paper of additional amendments, to the said bill and amendments of the House of Assembly, proposed by the Council.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Collins now reported the papers committed to him delivered according to order.

On motion, by order,

The message from the House of Assembly to the Council was read, and is as follows, viz:

"A MESSAGE TO THE COUNCIL FROM THE HOUSE OF ASSEMBLY.

"*Gentlemen:*

"The Assembly transmitted to your House their resolutions "of the fourteenth instant, founded on an address, which is also "before you, from John Dickinson, Esq., President of the Su- "preme Executive Council of the Commonwealth of Pennsyl- "vania, and late President of this State, for your consideration "and concurrence; and as the said resolutions are not yet re- "turned, it is uncertain whether your house have acted or in- "tend to act thereon.

"The present circumstances of the State, in the opinion of this "House, require the determination of the General Assembly on "the subject of the said resolutions, and therefore this House "think it their duty to request that your honors may return the "same, either altered, amended, confirmed, or rejected, by your "House, agreeable to the Constitution.

"Signed by order of the House of Assembly,

"(Signed) SIMON KOLLOCK, *Speaker.*

"Dover, Jan. 31, 1783."

Mr. Barratt, a member of Assembly, was admitted and delivered to the Chair the bill for raising £26,250, &c., with the paper of amendments proposed thereto by the Council in part acceded to and in part disagreed to by the House of Assembly, and a paper of amendments proposed by the House of Assembly to the said amendments of the Council.

The resignation of John Dickinson, Esq., as President and Commander-in-Chief of this State, being read, thereupon

Resolved, That the same be accepted.

Resolved also, That the place of President being now vacant, Mr. McDonough wait upon the House of Assembly and propose to them that both Houses of the General Assembly meet at 10 o'clock to-morrow, in the Council Chamber, to put in nomination persons to be balloted for as President of this State.

On motion, by order,

The resolution of the House of Assembly for nominating persons to be balloted for as Delegates to Congress, was read.

Ordered, That Col. McDonough wait upon the House of Assembly and inform that House that the Council propose Saturday, at 10 o'clock in the forenoon, for the time of the meeting of the two Houses of the General Assembly, in the Council Chamber, for the purpose mentioned in the above resolution.

Mr. McDonough reported the delivery of the above mentioned papers according to order.

On motion, the Council came to the following resolutions, viz:

WHEREAS great delays have happened in the collection of the State tax directed to be raised by the two several acts of Assembly, passed in the months of June and November, 1781, to the injury of public credit and public service; therefore

Resolved, That the respective County Treasurers of this State do forthwith call upon the several Collectors of Hundreds within their County to render a true and just account of and pay unto the Treasurer of their County the sums which each Collector ought to have paid either under the act of Assembly of this State entitled "An act for raising seven thousand eight hundred and seventy-five pounds, in specie, for the service of the year 1781, by a general tax," passed the 18th of June, 1781, or under the the act entitled "An act for raising £23,625, in specie, for the service of the year 1782, passed the 13th November, 1781.

Resolved also, That in case of non-payment of the whole of the sums they ought to have respectively paid under the said act of June, 1781, and of at least three-fourths parts of the sums they

respectively ought to have paid according to the directions of the said act of Nov., 1781, by or before the 25th day of April next, the said County Treasurers, respectively, shall certify the names of such defaulting Collectors, with the sums which they ought to have paid, to the Clerk of the Peace of his County, who, under the direction of the Attorney General, shall cause suits to be brought upon the bonds given by such defaulters for the faithful performance of their duties in the execution of the respective respective acts aforesaid, returnable to the next May term.

Resolved, That copies of the foregoing resolutions be made out and forthwith delivered, as well to the respective County Treasurers aforesaid as to the several Clerks of the Peace, Attorney General and State Treasurer, which Treasurers and Attorney General are to report their proceedings in the premises to the General Assembly, at their next sitting.

Ordered, That Mr. Joshua Polk deliver the same to the House of Assembly.

Mr. Polk reported the delivery according to order.

On motion, by order,

The bill for discharging the half pay of officers of the Delaware Regiment, dying in the service, to their widows, &c., was read the first time.

On motion, by order,

The report of the committee of conference on the subject matter of Mr. John Pringle's letter respecting the State schooner, was read the first time.

Mr. Waples, a member of Assembly, delivered to the Chair the following verbal message, viz:

"A Verbal Message to the Council from the House of Assembly.

"*Gentlemen:*

"The House of Assembly agree to your proposition that both "Houses of the General Assembly meet, in the Council Cham- "ber, to-morrow at ten o'clock in the forenoon, for the purpose "of nominating persons to be balloted for as President and Com-

"mander-in-Chief of this State, and also as Delegates from this "State to Congress for the ensuing year; at which time and "place the Assembly will meet your honorable House for the "transaction of this business.

"Friday, P. M., Jan. 31, 1783."

The same member returned the resolution respecting the Collectors of the Public Taxes, concurred in by that House.

Adjourned till to-morrow at 10 o'clock.

SATURDAY, A. M., February 1st, 1783.

The Council met. Present all the members.

Ordered, That Mr. McDonough wait on the House of Assembly and inform them that the Council are now ready to receive them, in the Council Chamber, to put in nomination persons to be balloted for as President of this State, and also as Delegates to represent this State in Congress for the ensuing year.

The House of Assembly met the Council, in the Council Chamber, agreeable to the order of the day, and proceeded to the nomination of persons to be balloted for as President, whose names were taken down for the consideration of the members of both Houses.

Previous to the nomination for persons to be balloted for as Delegates to Congress, it was

Resolved, That four persons be elected to represent this State in Congress for the ensuing year.

Then the General Assembly proceeded to the nomination of Delegates; but before this business was completed, a question was moved by Mr. Peery, "whether any persons who are not inhabitants of or resident within this State should be elected to represent the State in Congress." Then the previous question was moved and seconded, and being put, passed in the negative.

The General Assembly, having completed the business for which it convened,

On motion, agreed that the two Houses now separate, and meet, in the Assembly Room, at 4 o'clock this afternoon, to ballot for a President and Delegates to Congress above mentioned.

Then the House of Assembly withdrew, and the Council adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Duff, a member of Assembly, informed the Council that the House of Assembly were ready to receive them, in the Assembly Room, to ballot for a President, and also for Delegates to Congress, out of the persons before nominated.

The Council met the House of Assembly, in the Assembly Room, and there, in General Assembly, proceeded to the election of a President for the State, and the members of both Houses, to wit: nine of the Council and twenty-one of the House of Assembly, then present, having prepared tickets with the name of the President to be appointed and put the same into a ballot-box, the Speakers of the two Houses, in the presence of the other members, examined the ballot-box, and it appeared that eighteen votes out of thirty were in favor of the Honorable Nicholas Vandyke, Esquire; whereupon the said Nicholas Vandyke, Esquire, is declared duly elected President of this State for the term of three years next ensuing, and until the sitting of the next General Assembly thereafter, and no longer, agreeable to the present Constitution or system of government.

The General Assembly then proceeded to the election of Delegates to represent this State in Congress for the ensuing year out of the persons put into nomination in the forenoon, and the ballots being examined, it appeared that there was a majority of

votes in favor of Cæsar Rodney, James Tilton, Eleazar McComb, and Gunning Bedford, Jr., Esquires; whereupon the said Cæsar Rodney, James Tilton, Eleazar McComb, and Gunning Bedford, Jr., Esquires, are declared duly elected Delegates to represent this State in Congress for the ensuing year.

On motion, agreed that the two Houses now separate. Then the Council withdrew, and adjourned till 10 o'clock on Monday next.

MONDAY, P. M., Feb. 3, 1783.

The Council met. Present all the members, except Mr. Joshua Polk and Mr. Bassett.

On motion, by order,

The resolutions of the House of Assembly respecting the sale of the State schooner were read the first time.

By special order, the same were read the second time, and the first of the said resolutions was concurred in, which respected the propriety of the Vice-President's instructions to Colonel Charles Pope as to the sale of a part of the said schooner. The latter was disagreed to; and thereupon the Vice President's Message of the 13th instant, and the several papers relative to the same subject, and referred to in the said message, were also read; and the same being read, Mr. William Polk moved for leave to bring in a bill for fitting out or selling the said State schooner, which was granted; and thereupon a bill, entitled "An act for fitting out or selling the State schooner," was laid upon the table, and, by order, read the first time.

On motion, by order,

The petition of Isaac Short was read and referred to Messrs. Grantham and McDonough, to inquire into the state of the facts alleged therein and to report their opinion on the same.

On motion, by order,

The petition of James Abbott was read the second time and referred to the same committee.

On motion, by order,

The joint petition of George Abbott and Charles Williams was also read the second time and referred to the same committee.

On motion, the resolution of the General Assembly of this State, of the 12th February, 1781, appointing William Peery, Esq., to settle and state all the accounts between this State and the United States, and empowering him to call for such books and papers relating to the said accounts as might have come to the hands of any person in public office, and directing him to make his report to the General Assembly as soon thereafter as might be, returning therewith as many original vouchers as could be procured, or authentic copies, or other the best documents that might be obtained, was ordered to be read, and the same being read, and no report appearing to have been made thereon,

Resolved, That whereas, by the capture made by the enemy of the public papers in New Castle County, in the month of September, 1777, many of the original vouchers for supporting this State's account against the United States were then carried off, and the want of several of them only to be supplied by the minutes or memory of divers persons previous to that time engaged in the public transactions; and that whereas the vouchers of charge subsequent to that time are much dispersed and irregularly kept, that a Commissioner on the part of the United States having been appointed to make a settlement of all accounts between them and this State, and Mr. Peery authorized to lay the public accounts of this State against the United States before the said commissioner for liquidation and settlement, it is highly necessary that the General Assembly, previous to a final settlement of the said accounts, be informed in what state of readiness the same accounts are for such settlement; therefore

Resolved, That Mr. Peery be called upon to report his proceedings under the said resolution of the 12th of February, and that he return to the General Assembly an abstract or list of the several charges selected by him and to be made in this State's accounts against the United States, specifying generally the service and the time thereof, with the sum charged therefor, to the end that omissions, if any, may be discovered and supplied.

Resolved also, That a copy of the foregoing motion and resolutions be forthwith made and delivered to Mr. Peery.

Adjourned till to-morrow at 10 o'clock.

TUESDAY, A. M., Feb. 4, 1783.

The Council met. Present all the members, except Mr. Basset and Mr. Joshua Polk.

Ordered, That Mr. Baning deliver to the House of Assembly the resolutions directing a report of the state of the accounts between this State and the United States.

Mr. Baning, being returned, reported the delivery thereof according to order.

On motion, by order,

The amendments proposed by the House of Assembly to the resolutions of the Council founded on the resolutions of Congress of the 30th October and 2d November, 1781, were read, considered and agreed to.

Ordered, That the said resolutions, as amended, be transcribed and sent to the House of Assembly for concurrence.

Mr. Gordon, a member of Assembly, was admitted and returned the resolutions directing a report of the state of the accounts between this State and the United States, with the concurrence of the House of Assembly thereto.

The Council now took into consideration the amendments proposed by the House of Assembly to the bill for preventing and punishing the counterfeiting of the common seal, &c., of the Bank of North America, and agreed that the bill thus amended should pass the House and be engrossed.

On motion, by order,

The Council now took into consideration the several amend-

ments proposed by them and by the House of Assembly to the bill for raising £26,250, &c., and, upon the motion and question, "Shall the Council adhere to their first amendment by striking out the words [twenty-six thousand two hundred and fifty] and inserting instead thereof the words [thirty-nine thousand]?" the Council determined to adhere to their said amendment.

Mr. W. Polk required the yeas and nays on the said question to be entered on the minutes. They are as follows, viz :

For the question—Mr. Read, Mr. McDonough, Mr. Grantham, Mr. Collins.

Against the question—Mr. William Polk, Mr. Baning.

The question was carried.

Upon the motion and question, "Shall the Council adhere to their 11th, 12th and 14th amendments, for the changing the mode of the collection of the State tax, proposed by the said bill, by vesting the power of collection in one person in each county, he to be accountable in the Auditor's office by rendering his accounts there of the collections on the 20th of July and the 1st of November, and finally accounting there on the said 1st day of November, paying in the meantime to the State Treasurer, on the first days of June and October, the several proportions directed to be raised in each county, thereby changing the collection from the collectors of hundreds and their account and payment to the County Treasurer, and by him to the State Treasurer?" the Council determined to adhere to the said amendments.

And thereupon Mr. W. Polk required the yeas and nays on the same question to be entered on the minutes. They are as follows, viz :

For the question—Mr. Read, Mr. McDonough, Mr. Grantham, Mr. Collins.

Against the question—Mr. Wm. Polk, Mr. Baning.

The question was carried.

Thereupon the following message, stating the reasons of the Council's adherence to their said amendments, and rejecting

those proposed by the House of Assembly, was drawn up, read, agreed to, and ordered to be transcribed, to wit:

Gentlemen:

The Tax Bill for the present year, with its respective amendments, hath been further considered by the Council, and upon mature deliberation they are still of opinion, that the sum of *thirty-nine thousand pounds*, as proposed in their first amendment, is a necessary one, to be raised for the uses expressed in the bill, to wit: to answer the two requisitions made by Congress of *forty-four thousand eight hundred dollars*, the payment of the sums due to the inhabitants of the State for supplies furnished for the Army of the United States, money borrowed on the credit of the State, and public services performed in, or on behalf of the State, and to be paid for by the State in the first instance, the interest on certificates given to the officers and soldiers of the Delaware Regiment, and the necessary and incidental expenses of the State within the year. The Council are satisfied that even this sum will be inadequate to these purposes, but, from the deficient manner in which the public accounts of the State have been kept, they do not pretend to say with precision how much more will be wanting; and when the Council advert to their second proposed amendment, acceeded to by your House, they must suppose that such was your opinion; for as the bill first stood the sum therein of £26,250 must have been considered as only adequate, or nearly so, for the purposes there expressed in its preamble, which limited the sums to be paid to the inhabitants for supplies furnished for the army to the latter part of the year 1780, or beginning of the year 1781, to monies borrowed within the same time, omitting all prior demands of the inhabitants of the like sort, which probably when taken together will amount to more than the specified ones of the latter part and beginning of those two years, and further confining the public services, which this State is to pay in the first instance, to those performed by the officers and soldiers of Col. Neil's Battalion of Militia in the fall of the year 1780, when prior services, yet unpaid, will probably double the sum that battalion is entitled to; therefore taking it for granted that so much or more will be wanted for all these purposes, the Council apprehend it to be prudent and wise to make a provision somewhat adequate to the necessary uses there generally mentioned, and prevent any suspicion that might be entertained of

postponing one just creditor of the State to another, and particularly to avoid a preference of the latter creditor to the prior one of some more years standing, and that the General Assembly, in whom the disposition and application of the remaining part of the £39,000 is, after discharging the two requisitions of Congress, may have it more in their power to satisfy the old, and many very poor creditors of the State, and make some advances towards the restoring of public faith and public credit within the State, essentially necessary to its welfare and existence: whereas on the other hand, if the sum should be confined to the one in the original draught of the bill, there must be partial payments, and those payments may fall to the lot of the later creditor, according to the influence he may make at the time of such disposition. We should not, and we ought not, even to leave any cause for such suspicion when in our power to prevent it. The Council are well aware of the great want of a due medium of circulating specie within the State, and the difficulty attending the carriage of its produce to a market where a further supply thereof might be obtained, but they are of opinion that the difficulty may be surmounted, for that they know very many of the taxables of the neighboring States have and do still combat greater evils of the like kind. The Council conceive it to be their duty to exhibit the actual wants of the State to their constituents, that they may provide accordingly, and judge it ill policy to continue the practice of leaving the debts of preceding years unprovided for and unnoticed, to accumulate, and by that means put it out of the power of their constituents to pay them perhaps ever, as each succeeding year will have its particular charge, and an increased one when we are called upon to provide for the payment of the interest of the national debt which the United States have contracted during the present war. A further argument which weighs with the Council, is, that they have reason to believe that it was the intention of Congress, when they fixed their demand upon the United States only to *two million of dollars* of the *six million* which was their estimate for the War and Civil Department, (relying upon obtaining the other *four million* by way of loan in Europe), thus to afford the States in the Union an opportunity to raise extra sums to discharge their former internal debts; this opportunity ought to be laid hold of; justice to the public creditors of the State, and the true interest of our constituents demand it of us—yet if, upon further deliberation had by your honorable House, you shall be of opinion, that the time

specified in the bill, and enlarged by our amendment, for the collecting and finally paying in the said sum of £39,000 may be further enlarged and thereby tend to the greater ease of the taxables of the State, we shall have no objection to such a proposition. As to the mode of collecting and after accounting for the receipt and payment of those quotas in each County, as proposed in our 11th, 12th and 14th amendments to the said bill, we are decidedly of opinion, that it ought to be adopted, and therefore adhere to those amendments. The barely stating the two different modes proposed by the respective Houses, will perhaps tend to throw light on the question, which of the two is the most eligible: The one in the original bill is a collection to be made by twenty-four persons in the three Counties, ten, nine, and five of which number are respectively to account with and pay to three more persons, one in each County, viz: the Treasurers thereof, and they after to account and pay to the State Treasurer, and he finally to a committee of the General Assembly; so that the persons in the receipt and management of this public tax account with one another, except the State Treasurer. As we cannot consider the accounting of the County Treasurer with the Levy Court, or their committee, in any degree either proper or satisfactory, no report, return or certificate thereof being to be made to the General Assembly, who ought to be perfectly and minutely informed of the monies drawn from their constituents for public purposes in every stage of receipt and payment; and further, that none of the first twenty-seven persons are of the nomination or appointment of the representative body, which directs the raising and applying of the State tax; so that let the choice of any of them be ever so improper, or they be totally unfit for such duties, the General Assembly must adopt them with all their imperfections, and solely rely on a circuitous remedy on the bonds to be given for the performance of their duties; with this, that there must be twenty-four accountings, such as they are to be, more under the bill than under the proposed amendments; for that by the amendments one collector for each County appointed by the General Assembly, and in case of disability or removal, after by a session of Justices in each County, makes the whole collection of the quota of his County, and pays over the respective portions of such quota immediately into the State Treasury at the times limited for such payment, and in seven weeks after his first payment, and in one month after his second payment, he is to adjust and settle, in the office of the

Auditor of Accounts, for the amount of each portion, with an allowance of *three per cent.* The balance of the first portion is to be carried into his second account, and its balance paid to the State Treasurer in about seven weeks after settlement thereof, and in case of failure, chargeable with an interest of *ten per cent.* till paid.

By this mode, proposed by the Council, the collection is made by three, the accounting for, receipt and payment into the State Treasury by the same three, and that accounting is with the immediate officer of the General Assembly, the Auditor of Accounts, whose situation is to be at Dover, nearly central as to the State, and the place of meeting of the General Assembly, where each member of the legislative and executive powers of the State may resort, and at a single view discover a state of such receipt and payment. And further, as to the accounting by the State Treasurer, the provisions in the amendments by Council are, that he shall once in three months transmit into the Auditor's office an exact state as well of all the monies by him received, with the names of the persons by whom paid, and the time of payment, as of the monies by him paid, to whom, on what account or order, and the time when; and at the expiration of each year appear in the said office and lay his general account before the Auditor, who is to adjust the same. After this just representation of the two modes, the Council cannot suppose it necessary to urge any arguments further, tending to shew that the first mode of collection and account, as proposed by the original bill, is a complex one, requiring so many things to be done to complete it or compel its due execution; or that the latter mode proposed in the amendments by the Council is a plain and simple one, wherein the conduct and acts of three persons, chosen specially for the service, are necessarily inquirable into, until the monies are got into the Treasury of the State; and this may be known to and viewed by the representatives of the people whenever they meet in General Assembly. The first mode, it is true, hath been several years in use, but the best excuse for its existence is either inattention or want of a more satisfactory simple plan being struck out and offered to view; its defects were always apparent, and a competant remedy not exhibited to supply its place till now. It may be said that the term competent is here used rather prematurely, for that trial and experience alone can justify the term, but as the usefulness and success of the single collection don't admit of a doubt, in

the opinion of the Council, they venture to use the expression; sure they are, that pursuing the old plan of collection and account they will only increase that chaos of unaccounted for public grants of monies and supplies, that it will become exceedingly difficult, if not impracticable, to reduce it to form, and give their constituents an opportunity of knowing what hath been the disposition and application of all that has been drawn from them by way of tax for several years past: none of which yearly grants, in the knowledge of the Council, have been yet regularly or intelligibly accounted for. The Council request that your honorable House will please to take these their reasons for dissenting from you in opinion as to the Tax Bill sent from your House, and for their adhering to their amendments, into your consideration; and be assured that the Council consider those amendments so important and necessary, on behalf of the people both Houses represent, that until reasons, operating more powerfully than those before enumerated, (though not all that had been suggested in Council), shall be offered to Council, they must retain their opinion in favour of their amendments.

Adjourned till 3 o'clock, P. M.

Eodem Die, P. M.

The Council met.

Mr. Waples, a member of Assembly, attending, was admitted and returned the bill for auditing and arranging the accounts of this State, &c., with the first amendments proposed thereto by the House of Assembly generally agreed to by the Council; the additional amendments proposed to the said bill, and amendments by the Council generally disagreed to by the House of Assembly, together with a further amendment proposed by the House of Assembly to the said additional amendments of the Council.

The same member also delivered a letter from Major William Polk, dated this day, together with a resolution of the House of

Assembly for referring Major Polk's accounts to William Killen and Thomas Rodney, Esquires.

The same member also delivered a resolution for making provision for the subsistence of the Delaware Regiments.

The same member also delivered a resolution of the House of Assembly for the appointment of a committee to wait on Mr. Vandyke to desire his answer as to his acceptance of the office of President.

The Council now took into consideration the bill for auditing and arranging the accounts of this State, with the several amendments proposed thereto by the House of Assembly, and the Council adhered to their 5th amendment, which was disagreed to by the House of Assembly, and disagreed to the further amendments proposed by the House of Assembly to the said 5th amendment of the Council, and adhered to the 1st, 2d and 4th of their additional amendments to the said bill, and therefore the following message, stating the reasons of such adherence, was drawn up, read and agreed to, and ordered to be transcribed:

Gentlemen:

The bill for auditing and arranging the accounts of this State, &c., with the respective amendments proposed by both Houses, as well to the bill as it originally stood as the subsequent amendments, have been taken up and duly considered by the Council, and they find themselves bound by opinion, and duty to their constituents, still to reject the fifth amendment proposed by your honorable House in your first paper, *restricting* the Auditor of Accounts from liquidating and settling any claims against the State for services performed, monies advanced or articles furnished by order of the legislative or executive power for the use of the State, or for any other purpose, *before* the first day of March next; and also to reject the additional amendment contained in the third paper, *seemingly* intended to enlarge the restriction occasioned by the fifth amendment, by permitting the Auditor's duty to extend to accounts for such articles and things prior to the first of March, *not already exhibited* to the General Assembly, and for which the laws of this State have directed no particular mode of settlement.

When the Council framed this bill, among the many objects of

public utility they had in view, the first was, to relieve the two Houses of the General Assembly from that embarrassment they were then under with the very many accounts, that had been exhibited for years past, and dispersed among their severel files of papers.

The disinclination of the respective members of both Houses to accept of a place on the Committee of Accounts, the time that had been spent in the present session, and the little progress made in that business, with the great interruption given to the other general and more peculiar business of the General Assembly, convinced the Council of the necessity of immediately providing and adopting a mode, better calculated for a more exact and speedy settlement of all public accounts whatsoever; and after, for the regular entry and state of the allowances, or balances found, by some person well skilled in the arranging and stating of accounts in mercantile and intelligible form; which entry, subsequent to settlement, hath been always omitted heretofore, and the State left open to second, third or more charges for the same articles, and no other chance of detecting the imposition but the recollection, perhaps, of an individual member, unless the old bundles of accounts of preceding years were minutely examined. The Council therefore, on the first appearance of your fifth amendment, agreed to reject it, as it tended to defeat the first object of their bill, *that* of immediately transferring the liquidation and settlement of all public accounts from the General Assembly to the Auditor, whose daily expense for such service would not be the thirtieth part of the sum that the two Houses were then sitting at, and but small progress made in the business—ten days expense of the present General Assembly being equal to a full years allowance for the service of the Auditor. And upon the same grounds the Council disagreed to the further amendment in the third paper, as it tended to retain all the accounts already exhibited, and almost every one that could or would be exhibited, for matters or things prior to the first of March. This the Council considered as not remedying the grievance, either as to the State expense, or that of the accountants—two only of whom had been in waiting in the present session, and one for five and the other for more than ten days before their accounts could be examined, reported and determined upon. The Council also considered the last part of the said additional amendment as exempting every public debtor or accountant from the Auditor's settlement and bringing them before the General As-

sembly, which ought not to be with respect to any, except Hundred Collectors (who were specially excepted in the original bill, *though* your honorable House, by their eighth amendment, *left them* open to such account with the Auditor for any monies they may receive after the first day of March next) and Trustees of the Loan Office; for, according to the best recollection of the Council, all other accountants under laws of the State are generally to account with the General Assembly or their committees, which it is the fixed purpose of the Council to have transferred to the Auditor, whenever established, or otherwise a principal part of his usefulness will be lost to the public, as also to the accountants;—as to the first, saving that great expense of the two Houses sitting to transact this business, a want of knowledge, and, too generally, attention to it when under consideration—and as to the accountant, his tedious and expensive attendance on such settlement.

Your honorable House will therefore discover, from what is before said for rejecting your addition to your fifth amendment, why the Council thought it necessary—after your first paper of amendments had been laid before them, and most of them agreed to, *for the sake* of immediately establishing an office so useful to the State—to offer their fourth amendment as in the second paper, for the collecting and transmitting of all the public accounts in the possession or care of either House to the office of the Auditor, there to be forthwith liquidated and settled, all which might probably be done before the next meeting of the General Assembly. Then as to the direction for the Auditor to examine and revise former settlements, and report all substantial errors or omissions, the Counsel have been told, and they think from authority, that a like officer lately, in a neighboring State, by such revisal of settlements, had discovered an error of *fifteen hundred pounds* in the account of *an individual*, such a sum standing in the settlement as a charge against the State, when it should have stood as a charge against that individual accountant in favor of the State. Many such instances may have happened in a long train of accounts, often settled under a variety of circumstances productive of mistakes; and as such revision would add but little to the expense of the State, the Council deemed it prudent to direct the measure, not doubting that every guardian of the people's rights and property would wish to be informed of *substantial wrongs* done to that property, and therefore Council conceived it their

duty to point out this as saving from such injury, and after to adhere to that fourth amendment as in the second paper.

Then as to the first and second additional amendments proposed by the Council, as in the second paper, they apprehend that some mode for calling every public debtor, or accountant, to do that which his duty and trust required, that is, to render an account of his transactions in money matters intrusted to his care to the common officer of the State, was absolutely necessary to be prescribed to render that officer an useful one to the State; and as your honorable House, by their eleventh and twelfth amendments, in the second paper, had disagreed to all the clauses in the original bill that were framed and calculated for compelling the public debtor, or trustee, to account and after to pay what he should have been found indebted to the State in a summary way, the Council, by their first and second amendments in the second paper, placed a *delinquent* debtor, or accountant, on the same footing with the witness who was to testify either for or against the delinquent, by enabling the Auditor to use *only* the same kind and form of compulsory process to call such delinquent before him as by the same tenth section of the original bill, approved of by your honorable House, the Auditor was authorized and directed to use for the appearance of the witness; and great was the surprise of the Council to discover the disagreement to this so mild, and, as they conceive, unexceptionable and necessary power of the Auditor—for to say that a delinquent shall be left to his sole will and pleasure whether he will account for his trust, and yet that, if he pleases to come forward and do this, any persons who, by accident or otherwise, have a knowledge of his conduct, or of the transactions to be accounted for, shall be compelled by a form, *too rigorous for the delinquent*, to appear and give evidence relative to the subject matter of such delinquent's account. As many such delinquent accountants are and may be, where no bond and security hath been given or required, what is before said applies to such, and must discover to your honorable House the palpable impropriety of appointing a person to exercise the power of settlement, and yet withholding the power of effecting it. Then, as to such whose bonds of performance may include the right of suits thereon for not accounting, they are left to exercise all the delays and chicanery used and practised in the Common Law Courts before even a judgment to account can be had thereon. By these second last mentioned amendments the power of the Auditor over him is no more than, as is said before,

against his witness, which is to compel an appearance and exhibit his account; for as to the recovery of any sum declared by the Auditor to be due thereon, the suit, on his bond if such given, if not, then as in common cases of debts to private persons, is to be brought and pursued in the Courts of Law. Upon the whole, the Council hope that when your honorable House shall be possessed of their reasons for determining as they have on the first, second and third papers of amendments, they will concur with the Council, and not let so useful, necessary and important a bill fall through, and be lost to the State, and thereby remove every suspicion that might be suggested, that the Representatives of the People, or any of them, were disposed to countenance delinquency in the public servants and accountants.

On motion, by order,

The petition of William Simpson, and the resolution of the House of Assembly thereon, were read, and an amendment to the said resolution was proposed, agreed to, and ordered to be transcribed.

On motion, by order,

The resolution for the appointment of a committee to wait on Mr. Vandyke, &c., was read the first time and concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"TUESDAY, P. M., Feb. 4, 1783.

"On motion,

"*Resolved*, That a committee of three be appointed on the "part of this House, to join with a committee to be appointed "by the Council, for the purpose of waiting upon N. Vandyke, "Esquire, and desiring his answer with respect to his acceptance "of the office of President and Commander-in-Chief of this State, "to which he was appointed by the General Assembly on Saturday last.

"The members chosen: Mr. Duff, Mr. Molleston, and Mr. "Smith.

"JAS. BOOTH, *Cl'k of Assembly.*

"Sent for concurrence."

And thereupon,

Resolved, That Messrs. Collins and William Polk be a committee on the part of the Council to join with the committee of the House of Assembly for the purpose above expressed.

Adjourned till to-morrow at 10 o'clock.

WEDNESDAY, A. M., Feb. 5, 1783.

The Council met. Present all the members, except Mr. Bassett and Mr. Joshua Polk.

Ordered, That the resolutions of Council, founded on the resolutions of Congress of the 30th of October and 2d November, 1781, as amended by the House of Assembly and agreed to by the Council, be sent, together with the original resolutions and paper of amendments, to the House of Assembly for their concurrence; and the petition of William Simpson, and the resolution of the House of Assembly thereon, with the amendments proposed thereto by the Council; and also the resolution for the appointment of a committee to wait on Mr. Vandyke, &c., with the concurrence and appointment of the Council thereto.

Mr. Polk reported the delivery according to order.

On motion, by order,

The resolution of the House of Assembly for making provision for the subsistence of the Delaware Regiment, now cantoned in New Castle County, was read the first time.

By special order, the same was read the second time and concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"TUESDAY, P. M., Feb. 4, 1783.

"WHEREAS no provision hath been made for the subsistence "of the Delaware Regiment, now cantoned in New Castle Coun- "ty; therefore

"*Resolved*, That Samuel Patterson, Esquire, Treasurer of this "State, be and he hereby is empowered to contract, upon the "most moderate terms that can be obtained, for supplying the "said regiment with rations and necessary accommodations dur- "ing their continuance in this State, or until otherwise provided "for; and that the said Treasurer apply to the Superintendent "of Finance for the repayment of the money thus expended for "the subsistence and accommodation of the said troops; and in "case the same cannot be obtained, he is hereby empowered "to retain the amount of such expenditure out of the public tax "of the present year, when the same may come to his hands, the "said State Treasurer's accounts thereof being first adjusted by "the General Assembly.

"JAS. BOOTH, *Cl'k of Assembly.*

"Sent for concurrence."

On motion, by order,

The bill for fitting out or selling the State schooner, was read the second time.

Adjourned till 2 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Duff, a member of Assembly, attending, was admitted and delivered to the Chair a bill entitled "An act for levying and collecting divers sums of money remaining due for taxes in Continental Bills of Credit therein mentioned, and for other purposes."

The same member also delivered a letter, dated January 3d, 1783, from the Assistant Secretary at War, with a set of resolutions for completing the Delaware Regiment, &c., founded on the above mentioned letter.

Mr. James, a member of Assembly, was admitted and returned to the the Chair the resolution of Council, founded on the resolu-

tions of Congress of the 30th October and 2d November, 1781, concurred in by the House of Assembly, together with the papers attending the same.

The same member also delivered the petition of Wm. Simpson, the resolution of the House of Assembly founded thereon, and the amendment proposed thereto by the Council acceded to by the House of Assembly, with a resolution of the House of Assembly for the payment of £30 to the said Wm. Simpson, and an order, signed by the Speaker of the House of Assembly, for the said sum of £30 in favor of the said William Simpson, which was accordingly signed by the Speaker of the Council.

The same member also delivered the accounts of Philip Barratt and Thomas Duff, Esqs., Commissioners appointed to collect the certificates given by the Quartermaster's and Commissary's Departments.

The committee to whom the petitions of Isaac Short, James Abbott, George Abbott, and Charles Williams were referred, now delivered their report at the table, which was read the first time; and the petition of Isaac Short was referred to Capt. James Moore, superintending the recruiting of the Delaware Regiment, to do therein what the good of the service and the particular circumstances of Short's company may, in his opinion, require; and an amendment was proposed by the Council to the reference made to Capt. James Moore, indorsed on the petitions of the said James Abbott, George Abbott, and Charles Williams, agreed to, and ordered to be transcribed.

On motion, by order,

The resolution for the payment of £30 to W. Simpson was read and concurred in.

On motion, by order,

The resolutions founded on the letter from the Secretary at War, for completing the Delaware Regiment, were read the first time.

By special order, the said resolutions were read the second time, and some amendments were proposed, agreed to, and ordered to be transcribed.

Ordered, That Mr. McDonough deliver to the House of Assembly the engrossed bill for preventing and punishing the counterfeiting of bank notes, &c., with the original and amendments, in order to be compared and signed by the Speaker of Assembly; the letter from the Assistant Secretary at War, with the resolutions for completing the Delaware Regiment, founded thereon, with a paper of amendments thereto; the resolution for providing subsistence for the Delaware Regiment, concurred in by Council; the petitions of Isaac Short, James Abbott and George Abbott, and Charles Williams, with an amendment proposed by Council to the reference indorsed on James Abbott's petition, and the message from Council to the Assembly.

Adjourned to 10 o'clock to-morrow.

THURSDAY, A. M., Feb. 6, 1783.

The Council met. Present the same members as on yesterday.

Mr. McDonough now reported the delivery of the papers committed to him, according to the order of yesterday.

Mr. Molleston, a member of Assembly, was admitted and returned the engrossed bill for preventing and punishing the counterfeiting of bank notes, &c., (with the original) signed by the Speaker of the House of Assembly, with a resolution to affix the Great Seal to the same.

The same member delivered the resolutions for completing the Delaware Regiment, with the amendments proposed thereto by Council acceded to by the House of Assembly, accompanied with a copy of the said resolutions, as amended, for the concurrence of the Council.

The same member delivered the petition of Isaac Short, with the reference to Capt. James Moore indorsed thereon, concurred in by the House of Assembly; and the petitions of Jas. Abbott and George Abbott, and Charles Williams, with the amendments of Council acceded to by the House of Assembly.

Ordered, That the Speaker of the Council sign the bill for preventing and punishing counterfeiting of bank bills; which was accordingly done.

On motion, by order,

The resolution for affixing the Great Seal to the same was read, concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY, Feb. 6, 1783.

"On motion,

"*Resolved*, That the President or Commander-in-Chief affix "the Great Seal of this State to the following law, to wit:

"'An act for preventing and punishing the counterfeiting of the common seal, bank bills and bank notes of the President, Directors and Company of the Bank of North America, and for other purposes therein mentioned.'

"JAS. BOOTH, *Cl'k of Assembly.*

"Sent for concurrence."

On motion, by order,

The resolutions for completing the Delaware Regiment, as amended, were read and concurred in, and are as follows:

"IN THE HOUSE OF ASSEMBLY,
"TUESDAY, P. M., Feb. 4, 1783.

"The committee to whom was referred the letter, of the 3d of "January last, from the Assistant Secretary of War, brought in "their report, which being taken into consideration, the House "came to the following resolutions thereon, to wit:

"WHEREAS it appears, by a letter from the War Office, dated "the 3d day of January last, that the late arrangement of the "Army of the United States, which was to take place on the first "day of the said month, in pursuance of the resolutions of Con"gress of the 7th of August last, is suspended so far as the same "relates to this State until the first day of March next, upon con"dition, that a positive assurance be given that an augmentation "will be made to the said Regiment on or before that day; there"fore

"*Resolved*, That the President or Commander-in-Chief be and "he is hereby empowered and requested to write to the Secre- "tary at War, informing, that this State will engage to complete "the Delaware Regiment to four companies by the twenty-fifth "day of March next.

"That Capt. James Moore be directed forthwith to proceed to "the enlisting of fifty-four men for the purpose of completing "the Delaware Regiment to four companies; in which business "he shall govern himself in all things agreeable to the resolutions "of the General Assembly of the 13th of November, 1781, and "5th of February, 1782, except so far as the same relates to the "bounty allowed to each recruit, which shall be the sum of *six* "*pounds*, and no more; and the said James Moore shall be en- "titled to the same rewards and emoluments for this service as "are specified in the said resolutions.

"That the President or Commander-in-Chief be and he is "hereby authorized to draw his orders upon the Treasurer of this "State, from time to time, in favor of the said James Moore, for "such sums of money as he shall judge necessary for the said re- "cruiting service, not exceeding in the whole the sum of *five* "*hundred and fifty pounds.*

"AND WHEREAS it hath been represented, that a number of "deserters from the Delaware Regiment have signified their de- "sire to pay such sums of money for their discharge therefrom "as will, in the opinion of the General Assembly, be sufficient to "procure substitutes to serve in the said Regiment; therefore

"*Resolved*, That Capt. James Moore be and he is hereby em- "powered and directed to give a discharge to any deserter from "the aforesaid Regiment who shall pay to the said James Moore, "on or before the tenth day of March next, such sum of money "as he shall deem sufficient to procure a substitute for that "purpose; which discharge shall be as valid, to all intents and "purposes whatsoever, as if the same had been given by the "General Assembly.

"JAS. BOOTH, *Cl'k of Assembly.*

"Sent for concurrence."

Mr. Barratt, a member of Assembly, was admitted and deliv- ered to the Chair a resolution of the House of Assembly for the

appointment of a committee of conference, on the part of the House of Assembly, to confer with a committee of Council on the subject matter of the amendments proposed to the bill for raising £26,250 for the service of the present year.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met.

Mr. Carty, a member of Assembly, attending, was admitted and delivered to the Chair a resolution of the House of Assembly to adjourn, to-morrow in the forenoon, the present sessions to some future day.

On motion, by order,

The resolution for the appointment of a committee of conference on the subject matter of the amendments proposed to the bill for raising £26,250, was read, and thereupon the following verbal message was proposed at the table and agreed to:

Gentlemen:

The Council are at loss to know upon what precedent, usage or practice the House of Assembly have founded their resolution aforesaid, as the Council apprehend that when committees of conference are appointed and had between two branches of a legislature, they are to communicate the reasons which each branch may have for a difference of opinion upon any public act or measure, after to be represented by each set of conferees to their respective Houses. In the present case your honorable House are in possession of the reasons which induced the Council to make, and after to adhere to, their amendments to the Tax Bill; therefore Council apprehend, that a conference of members of both Houses, either in the manner adopted by your House in their resolution now before Council or in the customary mode, will not answer any good public purpose, at least before the reasons which induced the House of Assembly to disagree to, or reject the amendments, are laid before the Council.

Ordered, That Mr. McDonough wait on the House of Assembly and deliver the above message.

On motion, the Council now concurred in the references made to Capt. James Moore, indorsed on the petitions of Isaac Short, James Abbott, George Abbott and Charles Williams.

Ordered, That Mr. McDonough return the said petitions to the House of Assembly, and deliver the bill for preventing and punishing the counterfeiting, &c., signed by the Speaker.

Adjourned till to-morrow at 9 o'clock.

FRIDAY, A. M., Feb. 7th, 1783.

The Council met. Present the same members as on yesterday.

Mr. McDonough reported the delivery of the papers according to the order of yesterday.

On motion, by order,

The bill for discharging the half pay of officers of the Delaware Regiment dying in the service to their widows, &c., was read the second time and will pass.

Ordered, That the same be sent to the House of Assembly to be signed by the Speaker thereof.

On motion, by order,

The engrossed bill for levying and collecting divers sums of money remaining due for taxes in Continental Bills of Credit, herein mentioned, and for other purposes, was read the first time.

On motion, by special order, the same was read a second time, passed the Council, and was signed by the Speaker.

Ordered, That Mr. Grantham deliver the foregoing bills to the House of Assembly.

Mr. Grantham reported the delivery according to order.

Mr. Duff, a member of the House of Assembly, was admitted and delivered to the Chair resolutions for the payment of the Delegates to Congress.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met, and

Ordered, That Mr. Collins deliver to the House of Assembly the bill for auditing and arranging the accounts of this State, &c., with its several amendments, and the transcribed message, stating the reasons of Council for their adherence to several of their amendments to the same bill.

Mr. Collins reported the delivery according to order.

On motion, leave was given to bring in a bill purporting to be "A supplementary act to the act entitled 'An act for the protection of the trade of this State on the River and Bay of Delaware;' " whereupon a bill for that purpose was laid on the table, and, by order, read the first time.

By special order, the same was read a second time and passed the Council.

Ordered, That the same be transcribed and delivered to the House of Assembly, for their consideration, by Mr. W. Polk; together with the resolutions for recruiting the Delaware Regiment to four companies.

Mr. Bryan, a member of Assembly, was admitted and delivered to the Chair the bill for the discharging of the half pay to the widows or children of the officers of the Delaware Regiment, &c., and also the bill for the levying and collecting divers sums of money remaining due for taxes in Continental Bills, &c., respectively signed by the Speaker of the House of Assembly, together with a resolution of the House of Assembly to affix the Great Seal to the said bills.

Ordered, That the Speaker sign the bill for the discharging of the half pay to the widows or children of the officers of the Delaware Regiment, &c.; which was accordingly done.

On motion, by order,

The resolution was read for affixing the Great Seal to the above mentioned laws, concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,
"FRIDAY, P. M., Feb. 7, 1783.

"On motion,

"*Resolved*, That the President and Commander-in-Chief affix "the Great Seal of this State to the following laws, to wit:

"'An act for the discharging of the half pay to the widows or "children of the officers of the Delaware Regiment who have "died or may die in the service of the Continent;' and

"'An act for the levying and collecting divers sums of money "remaining due for taxes in Continental Bills of Credit, herein "mentioned, and for other purposes.'

"JAS. BOOTH, *Cl'k of Assembly.*

"Sent for concurrence."

Ordered, That the said bills, respectively signed by the Speaker, and the resolution for affixing the Great Seal to the same, concurred in by the Council, be returned to the House of Assembly by Mr. W. Polk; who is also charged with the delivery of the engrossed bill entitled "A supplementary act to the act entitled 'An act for the protection of the trade of this State on the Bay and River of Delaware.'"

Adjourned till 10 o'clock to-morrow.

SATURDAY, A. M., Feb. 8, 1783.

The Council met. Present the same members as on yesterday.

Mr. Polk now reported the delivery of the several papers committed to him, according to the order of yesterday.

On motion, by order,

The accounts of Thomas Duff and Philip Barratt, Esquires, for their services as commissioners for collecting certificates, &c., and the resolution for the payment of the same, were severally read the first time.

By special order, the said resolution was read a second time, concurred in, and is as follows, to wit:

"IN THE HOUSE OF ASSEMBLY,
"WEDNESDAY, A. M., Feb. 5, 1783.

"Two accounts against the State from Thomas Duff and "Philip Barratt, Esquires, for their services as commissioners "in the execution of a resolution of the General Assembly, of "the 18th June, 1781, for ascertaining the amount of certificates "issued within this State from the Quartermaster's and Com-"missary's Departments, were read and allowed, to wit: To "Thomas Duff, Esq., £11 : 7 : 6, and to Philip Barratt, Esq., "seven pounds.

"*Resolved*, That the Speakers of both Houses draw orders on "the State Treasurer for the payment of the said two sums.

"JAS. BOOTH, *Cl'k of Assembly.*

"Sent for concurrence."

Whereupon the Speaker signed an order for that purpose in favor of the said T. Duff and P. Barratt, Esquires, respectively.

On motion, by order,

An account of Robert Bryan, Treasurer of New Castle County, for £255 : 19 : 4, and its vouchers, were read, and the said account was allowed.

On motion, by order,

The resolution for the payment of the same was read and concurred in, and is as follows, viz :

"IN THE HOUSE OF ASSEMBLY,

"THURSDAY, A. M., Jan. 30, 1783.

"An account of Robert Bryan, Esq., Treasurer of New Castle "County, was read, amounting to two hundred and fifty-five "pounds nineteen shillings and four pence, being for money advanced to the officers and soldiers of the Delaware Regiment, "and for cash paid for rations for them from the 19th of January, "instant, to the 28th following, inclusive; which said account was "allowed; and thereupon

"*Resolved*, That the Speakers of both Houses draw an order "on the State Treasurer for the payment of the said sum to the "aforesaid Robert Bryan.

"JAS. BOOTH, *Cl'k of Assembly.*

"Sent for concurrence."

Whereupon the Speaker signed an order for that purpose.

Ordered, That Mr. Grantham return the foregoing accounts, vouchers and orders, and the resolutions for the payment of the same, with the concurrence of the Council thereto, to the House of Assembly.

Mr. Grantham, being returned, reported the delivery according to order.

The committee appointed by Council to join the House of Assembly for the purpose of waiting on Nicholas Vandyke, Esq., to know if he would accept the office of President and Commander-in-Chief of this State, report that the joint committee aforesaid waited on Mr. Vandyke and requested that he would please to signify by the committee his acceptance of the office of President and Commander-in-Chief of this State; whereupon he was pleased to declare his acceptance of the said office.

The Council now went into the nomination of persons to be balloted for as Privy Councillors, and Gunning Bedford, Esq., Col. Charles Pope, John Lea, Esq., and Alexander Porter, jr.,

Esq., were put into nomination, to be balloted for in the afternoon.

Mr. Carty, a member of Assembly, returned the act entitled "A supplementary act to the act entitled 'An act for the protection of the trade of this State on the River and Bay of Delaware,'" signed by the Speaker of the House of Assembly, together with a resolution to affix the Great Seal thereto.

Ordered, That the Speaker sign the said bill; which was accordingly done.

On motion, by order, the foregoing resolution was read and concurred in, and is as follows:

"IN THE HOUSE OF ASSEMBLY, Feb. 8, 1783.

"On motion,

"*Resolved*, That the President and Commander-in-Chief affix "the Great Seal of the State to the following law, to wit:

"'A supplementary act to the act entitled 'An act for the "protection of the trade of this State on the Bay and River of "Delaware.'"

"JAS. BOOTH, *Cl'k of Assembly.*

"Sent for concurrence."

Ordered, That Mr. Collins deliver the foregoing bill and resolution, signed and concurred in by the Council, to the House of Assembly.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met, and proceeded to the balloting for Privy Councillors out of the persons before put into nomination, and the ballots being examined, it appeared that Gunning Bedford, Esq., and John Lea, Esq., were unanimously elected members of the Privy Council.

The Speaker of the Council now waited on the President and administered as well the oath of allegiance and declaration of faith, prescribed by the twenty-second article of the Constitution of this State, as the oath of office, to his Excellency, Nicholas Vandyke, Esq., President of the Delaware State.

Then the Council took into consideration the per diem wages and incidental charges of the Council, and the following accounts were allowed, viz :*

Then the Council adjourned till Monday, the 26th day of May next, to meet at the Town of Dover.

* The accounts are not recorded.

MINUTES OF COUNCIL.

MAY, 1783.

MINUTES OF COUNCIL

MAY, 1981.

OK

MEMBERS' NAMES.

NEW CASTLE COUNTY:

THOMAS McDONOUGH, ISAAC GRANTHAM, GEORGE READ.

KENT COUNTY:

THE HON. JOHN COOK, JOHN BANING, RICHARD BASSETT.

SUSSEX COUNTY:

WILLIAM POLK, JOSHUA POLK, JOHN COLLINS.

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

ADJOURNED SESSION, MAY, 1783.

At a meeting of the Council at the Town of Dover, in Kent County, by adjournment, on Monday, the 26th day of May, A. D. 1783, a quorum of the members not attending, the Council adjourned from day to day until Tuesday, the 3d day of June, 1783.

TUESDAY, P. M., June 3d, 1783.

The Council met. Present the following members, viz:

For New Castle County—Isaac Grantham.

For Kent County—The Honorable John Cook, John Baning, Richard Bassett.

For Sussex County—Joshua Polk.

Ordered, That Mr. Grantham and Mr. Joshua Polk be a committee to wait on his Excellency, the President, and to inform him that the Council, having formed an House, are ready to receive any business which he may have to lay before them.

Adjourned till to-morrow.

WEDNESDAY, June 4th, 1783.

The Council met. Present the same members as on yesterday, and also Mr. Read.

The committee appointed to wait on his Excellency, the President, now reported that they had waited on his Excellency with the message committed to them, agreeable to the order of yesterday, when he was pleased, in answer, to say, that he had communicated his business, by way of message, to the House of Assembly, which in its due course would come before the Council.

Adjourned till 10 o'clock to-morrow.

THURSDAY, A. M., June 5th, 1783.

The Council met. Present the same members as on yesterday.

Mr. Molleston, a member of the House of Assembly, attending, was admitted and delivered to the Chair a message from the President to the General Assembly of the 31st May, 1783, together with its inclosures.

On motion, by order, the foregoing message, and its inclosures, were severally read, and the said message follows in these words, viz:

"*Gentlemen of the General Assembly:*

"I beg leave to congratulate you on the happy and important "event of peace, liberty and independence, secured to these "States by the preliminary treaties between the belligerent pow-"ers. The accomplishment of these objects, under the smiles "of Divine Providence, and the aid of our illustrious ally, has "placed America in an equal station among the Nations of the "Earth.

"Her attention should now be undiverted to support a char-

"acter worthy of the virtuous struggles by which she has, in her "late ardent conflict, acquired her elevation ; and I hope, a reg- "ular administration of justice, and a due veneration of national "faith, will render her as respectable in peace as she has been "illustrious in war.

"During your late recess, I have received the following public "letters—from the President of Congress, of the 8th and 24th "of February last, and the 6th and 9th of May instant—from the "Secretary for Foreign Affairs, of the 3d of January and the "2d of April—from the Superintendent of Finance, of the 22d "of February, the 2d, 20th and 25th of March, the 12th and "18th of April, and the 9th, 12th and 20th of May.

"These letters, with their enclosures, I have directed the "Secretary to lay before you. To such of these papers as re- "quire your immediate attention, I am persuaded it is needless "for me to urge it, being well convinced of your disposition to "give all necessary dispatch to the public business.

"NICHOLAS VANDYKE.

"Dover, 31 May, 1783."

Adjourned till to-morrow.

FRIDAY, June 6th, 1783.

The Council met. Present the same members as on yesterday.

Adjourned till to-morrow.

SATURDAY, June 7th, 1783.

The Council met. Present the same members as on yesterday.

Mr. James, a member of the House of Assembly, was admitted and delivered to the Chair a bill for altering part of the 8th Article of the Confederation.

The same member also delivered to the Chair a supplementary bill to the act for the further security of the Government.

The same member also delivered to the Chair a bill to repeal part of an act entitled "An act to prevent the sales of lands, goods and chattels, by virtue of executions, in certain cases, for a limited time, and for other purposes."

On motion, by order,

The bill for altering part of the 8th Article of the Confederation, was read the first time.

On motion, by order,

The supplementary bill to the act for the further security of the Government, was read the first time.

On motion, by order,

The bill for repealing part of an act entitled "An act to prevent the sales of lands, goods and chattels, by virtue of executions, in certain cases, for a limited time, and for other purposes," was read the first time.

On motion,

The Council took into consideration the subject matter of the letter from the Superintendent of Finance to the President of this State, dated the 20th of May last; and it was thereupon ordered that a committee be appointed to prepare and bring in a bill, by way of a supplement to the act entitled "An act for aiding and more effectually carrying into execution certain acts of Congress of the twentieth and twenty-seventh days of February last past," in order to further enable the commissioners appointed under the said acts of Congress to perform their respective duties, and to

make provision for the speedy and effectual recovery from individuals of debts due and effects belonging to the United States.

Further ordered, That Mr. Read, Mr. Bassett, and Mr. Grantham be a committee for the purpose aforesaid.

On motion of Mr. Bassett, for leave of absence for a few days, on account of his necessary attendance on a court in Cecil County, in Maryland, the same application, on account of the critical state of the public business now before the Council, and a probability of a deficiency of members, was rejected.

Whereupon a notification from the Speaker of the Council, directed to the justices of the said court, stating the reasons of Mr. Bassett's non-attendance on the said court, was requested and granted, and signed accordingly by the Speaker.

Adjourned till Monday next.

MONDAY, June 9th, 1783.

The Council met. Present the same members as on Saturday last.

The committee appointed to prepare and bring in a bill, by way of supplement to the act entitled "An act for aiding and more effectually carrying into execution certain acts of Congress of the 20th and 27th days of February last past," now reported that they had essayed a draught of such a supplementary bill, which was laid on the table for the consideration of the Council.

Mr. William Polk attended in the Council, and, at his seat, made his excuse for his non-attendance at an earlier period in the present session; which was admitted.

On motion, by order,

The bill entitled "A supplementary act to the act entitled 'An act for aiding and more effectually carrying into execution certain acts of Congress of the 20th and 27th days of February last past,'" was read the first time.

By special order, the same was read the second time, and the third reading thereof ordered to-morrow morning.

On motion, by order,

The bill for altering part of the 8th Article of the Confederation was read the second time, and the same was taken into consideration, and after some time spent therein the further consideration is postponed till to-morrow.

Adjourned till to-morrow at 10 o'clock.

TUESDAY, June 10th, 1783.

The Council met. Present the same members as on yesterday.

On motion, by order,

The supplementary bill to the act entitled "An act for aiding and more effectually carrying into execution certain acts of Congress of the twentieth and twenty-seventh days of February last past," passed the 22d day of June, 1782, was read the third time, by paragraphs, and will pass.

Ordered, That Mr. Joshua Polk deliver the said bill to the House of Assembly, for their consideration and concurrence, together with the letter from the Superintendent of Finance relative to the subject matter of the same bill; and that he return to that House the President's Message of the 31st ultimo, with sundry of the letters and papers accompanying the same.

Mr. Polk, being returned, reported the delivery of the several papers committed to him, according to order.

The Council now resumed the consideration of the bill for altering part of the 8th Article of the Confederation, and having proceeded in the consideration of divers amendments thereto, the same was further postponed until to-morrow.

Adjourned till to-morrow.

WEDNESDAY, June 11th, 1783.

The Council met. Present the same members as on yesterday.

Mr. Carty, a member of the House of Assembly, was admitted and delivered to the Chair a bill to invest the Congress of the United States with a power to levy duties, &c.

On motion, by order, the further consideration of the bill for altering part of the 8th Article of the Confederation, was now proceeded in, and the several amendments proposed to the same were agreed to, and ordered to be transcribed.

Ordered, That Mr. William Polk return the said bill, with the papers of amendments proposed thereto by the Council, to the House of Assembly.

Mr. Polk reported the delivery according to order.

On motion, by order,

The bill to invest the Congress of the United States with a power to levy duties, &c., was read the first time.

On motion, by order,

The bill to repeal part of an act entitled "An act to prevent the sales of lands, goods and chattels, by virtue of executions, in certain cases, for a limited time, and for other purposes," was read the second time, and sundry amendments to the same bill were proposed, agreed to, and ordered to be transcribed.

Mr. James, a member of the House of Assembly, attending, was admitted and delivered to the Chair the bill for altering part of the 8th Article of the Confederation, together with the paper of amendments proposed thereto by the Council acceded to by the House of Assembly, except as to that part of the first amendment proposed by the Council, with respect to the preamble of the bill, which was disagreed to by the House of Assembly.

On motion, by order,

The Council took into consideration that part of the amendment proposed by them to the bill for altering part of the 8th

Article of the Confederation, which was disagreed to by the House of Assembly, and receded therefrom, and agreed that the said bill, with the amendments proposed thereto by them and acceded to by the House of Assembly, should pass.

Ordered, That Mr. William Polk return the said bill and its amendments to the House of Assembly, and inform them that the Council have receded from that part of their amendment to the same bill which was disagreed to by the House of Assembly; and that he also return to that House the bill to prevent the sales of lands, goods and chattels, by virtue of executions, in certain cases, for a limited time, and for other purposes, together with the paper of amendments proposed thereto by the Council, for their consideration.

Adjourned to 10 o'clock to-morrow.

THURSDAY, June 12th, 1783.

The Council met. Present the same members as on yesterday.

Mr. Polk now reported the delivery of the several papers committed to him, agreeable to the order of yesterday.

On motion, by order,

The bill to invest the Congress of the United States with a power to levy duties upon all goods, wares, and merchandise imported into this State, &c., was read the second time, and the further consideration thereof is postponed till to-morrow.

Adjourned till to-morrow.

FRIDAY, June 13th, 1783.

The Council met. Present the same members as on yesterday.

Doctor Clayton, a member of the House of Assembly, was admitted and delivered to the Chair the accounts of Peter White, late Receiver of Supplies for the County of Sussex, together with the report of the Joint Committee of Accounts and the proceedings of the House of Assembly on the said accounts.

On motion, by order,

The bill to invest the Congress of the United States with a power to levy duties upon all goods, wares, and merchandise imported into this State, &c., was read the third time, by paragraphs, and on the question being put, whether the words [the lands, messuages and tenements], in the 5th line of the 4th page of the bill, should be left out, and the words [all the taxable property, real and personal], should be inserted in their stead, the House was divided, and the Speaker gave his casting vote in favor of the amendment, and the amendment being so carried, the yeas and nays were desired by Mr. William Polk. They are as follows, to wit:

For the amendment—Mr. Read, Mr. Bassett, Mr. Grantham.

Against it—Mr. William Polk, Mr. Joshua Polk, Mr. Baning.

Then the Council proceeded in the further consideration of the said bill, and divers other amendments thereto were proposed, agreed to, and ordered to be transcribed, and sent, together with the bill, to the House of Assembly, for their consideration and concurrence, by Mr. William Polk.

On the application of Mr. Joshua Polk for leave of absence till 12 o'clock on Monday next, the same was granted him.

Adjourned till 9 o'clock to-morrow.

SATURDAY, June 14th, 1783.

The Council met. Present the same members as on yesterday, except Mr. Joshua Polk.

Mr. William Polk now reported the delivery of the papers committed to him, agreeable to the order of yesterday.

Mr. Duff, a member of the House of Assembly, was admitted and delivered to the Chair a message, of the present instant, from his Excellency, the President, with its inclosures.

On motion, by order, the foregoing message and its inclosures were severally read, and the said message is as follows, viz:

"*Gentlemen:*

"The Secretary will lay before you a letter I have just received from our Delegates in Congress, and a report of a committee of that honorable body, on the subject of the back lands.

"The letter explains the views of the Delegates in transmitting those proceedings, and points out the necessity that your instructions on that important subject be forwarded as speedily as possible.

"Gentlemen—The evidences of titles to land in this State, deposited in the Land Office in Philadelphia, not officially under the care of any person, and the necessity of those papers being brought and committed to the keeping of a proper, accountable officer within the State, from which place only the individual interested will be able to obtain legal copies, have induced me to mention this subject, and to recommend that the same may be taken and provided for by the General Assembly as soon as possible.

"NICH. VANDYKE.

"Dover, 14 June, 1783."

On motion, by order,

The supplementary bill to the act for the further security of the Government, was read the second time, and the subject matter thereof being taken into consideration, the question was put,

"Whether the said bill shall be rejected or not?" and it was carried in the affirmative.

Whereupon the yeas and nays were required by Mr. William Polk. They are as follows, viz:

For the affirmative—Mr. Read, Mr. Bassett, Mr. Grantham.

For the negative—Mr. William Polk.

Mr. Clayton, a member of the House of Assembly, was admitted and delivered to the Chair the following verbal message from the House of Assembly to the Council, viz:

"*Gentlemen:*

"The House of Assembly having considered the amendments "offered by your honorable body to the bill entitled "An act to "invest the Congress of the United States with the power to levy "duties upon all goods, wares, and merchandise imported into "this State from beyond the seas, for a limited time, and for es- "tablishing a fund for the payment of interest arising on the pub- "lic debt,' and apprehending that this business would be accel- "erated by a communication of opinion thereon, propose that a "committee of conference be appointed for this purpose, and "therefore have, on the part of this House, appointed the follow- "ing conferees: Mr. Peery, Mr. Clayton, and Mr. Barratt, who "will meet at one o'clock this afternoon, if your honorable House "concur herein."

The Council acceded to the above mentioned proposition, and have appointed, on their part, Mr. Read, Mr. Bassett, and Mr. Grantham, to join with the Committee of the House of Assembly in the business above mentioned, proposing the hour of 4 o'clock to be the hour of meeting.

Ordered, That Mr. Grantham return the same to the House of Assembly, with the concurrence and appointment of the Council thereto.

Mr. Grantham reported the delivery of the same according to order.

Mr. Kean, a member of the House of Assembly, was admitted and delivered to the Chair Capt. James Moore's accounts and

vouchers for superintending the recruiting service in this State, together with the report of the committee of the House of Assembly thereon.

Adjourned to Monday next.

MONDAY, June 16th, 1783.

The Council met. Present the same members as on Saturday, and also Mr. Joshua Polk.

Mr. Molleston, a member of the House of Assembly, was admitted and delivered to the Chair a bill for repealing an act ascertaining the daily allowance to members of the General Assembly, &c.

Adjourned till to-morrow.

TUESDAY, June 17, 1783.

The Council met. Present the same members as on yesterday.

Mr. Waples, a member of the House of Assembly, was admitted and delivered to the Chair a bill entitled "An act for raising twenty-two thousand five hundred pounds for the service of the year 1783."

Ordered, That the Speaker sign a joint draught on the State Treasurer for the sum of £12,000, payable to the order of Congress, or the Superintendent of Finance, in compliance with the requisitions of Congress of the 30th of October and 2d of November, 1781; which was accordingly done.

On motion, by order,

The bill for repealing an act ascertaining the daily allowance to members of the General Assembly, was read the first time.

On motion, by order,

The bill for raising twenty-two thousand five hundred pounds for the service of the year 1783, was read the first time.

On motion,

Resolved, That the President's Message of the 14th instant, and the letter addressed to the President from the Delegates of this State in Congress, and the inclosed report of a committee of Congress on the act of the Legislature of Virginia of the 2d of January, 1781, respecting the cession of that State to the United States of all the lands northwest of the River Ohio, (which accompanied the same message) be referred to a committee, to report thereon.

The members chosen, are Mr. Read, Mr. Bassett, and Mr. William Polk.

On motion, by order,

The bill for repealing an act ascertaining the daily allowance to members of the General Assembly, was read the second time, and sundry amendments thereto were proposed, agreed to, and ordered to be transcribed.

On motion, by order,

The resolution of the House of Assembly for the payment of the Delegates from this State to the Congress of the United States, which was delivered to the Council at their last sitting, was now read the first time.

By special order, the same was read the second time, and sundry amendments were proposed, agreed to, and ordered to be transcribed.

Ordered, That Mr. Grantham return to the House of Assembly the bill for repealing an act ascertaining the daily allowance to members of the General Assembly, with a paper of amendments proposed by the Council thereto; and also the resolution for the payment of the Delegates from this State to Congress, with a paper of amendments proposed thereto by the Council, for their consideration and concurrence; and that he also return to that House the supplementary bill to the act for the further security of the Government, with the rejection of the Council thereto.

Adjourned till to-morrow.

WEDNESDAY, June 18th, 1783.

The Council met. Present the same members as on yesterday.

Mr. Grantham now reported the delivery of the papers committed to him, according to the order of yesterday.

On motion, by order,

Capt. Moore's general account, and the report of the committee of the House of Assembly thereon, were read, and some amendments were proposed and agreed to.

Mr. Molleston, a member of Assembly, was admitted and delivered to the Chair a supplementary bill to the act for ascertaining the depreciation of the pay accounts of divers persons in the several departments of the army, &c.

The same member also delivered a bill for preventing vexatious suits, &c.

On motion, by order,

The supplementary bill to the act for ascertaining the depreciation of the pay accounts of divers persons in the several departments of the army, &c., was read the first time.

On motion, by order,

The bill for preventing vexatious suits, &c., was read the first time.

Mr. Clayton, a member of Assembly, was admitted and delivered to the Chair the bill for auditing and arranging the accounts of this State, and for the more speedy and effectual settlement of the same, together with the several papers of amendments proposed thereto by both Houses at their last sitting, and some additional amendments proposed by the House of Assembly, in their present meeting, to the said bill.

Mr. Duff, a member of Assembly, was admitted and delivered to the Chair a message from the President, of the 13th instant.

The same member also delivered to the Chair a resolution of the House of Assembly for erecting a tombstone over the grave of Colonel Haslet.

The same member also delivered a resolution of the House of Assembly respecting an adjournment.

Ordered, That Mr. Baning return to the House of Assembly Capt Moore's general account, with a paper of amendments proposed thereto by the Council, and the report of the committee of the House of Assembly thereon.

Mr. Baning reported the delivery according to order.

Adjourned to to-morrow.

THURSDAY, June 19th, 1783.

The Council met. Present the same members as on yesterday.

On motion, by order,

The bill for raising £22,500, was read the second time.

Dr. Clayton, a member of the House of Assembly, was admitted and delivered Capt. James Moore's general account, with the amendments proposed thereto by the Council agreed to by the House of Assembly.

The Council, taking up the accounts of Capt. James Moore respecting the recruiting service on the report of the committee to whom they were referred, do concur with the House of Assembly in the allowance of the same as they stand stated in the general account thereof; and it is thereupon

Ordered, That Capt. Moore deliver the particular vouchers, supporting the charges stated in his general account aforesaid, to the Clerk of the House of Assembly, in order to support a charge against the United States.

Ordered also, That Capt. James Moore transfer, by way of

assignment, for the use of the State, to Major William Peery, the evidences and securities for £139 : 5 : 3, stated, in his account, as outstanding and owing to the Delaware State from William Polk and John Clowes, Esquires, Charles Williams and Foster Donnaven, exclusive of the sum of £50 : 9 : 4¾, appearing at the foot of the general account, now exhibited and passed by the General Assembly; which said sum of £139 : 5 : 3 the said William Peery is hereby directed to receive, collect and pay over to the State Treasurer.

And it is further

Ordered, That Captain Moore be served with a copy of these orders.

Ordered, That Mr. William Polk return to the House of Assembly the accounts and vouchers of Capt. Moore, and that he deliver to that House the resolutions of the Council respecting the same, for their consideration and concurrence.

Mr. Polk reported the delivery thereof according to order.

Mr. Charles Polk, a member of the House of Assembly, was admitted and returned to the Chair the resolutions of the Council respecting Capt. Moore's accounts, with the concurrence of the House of Assembly thereto.

The committee to whom were referred the President's Message of the 14th instant, accompanied with a letter from the Delegates of this State in Congress, on the subject of the back lands, now laid their report on the table.

On motion, by order, the said report was read the first time.

By special order, the same was read the second time and agreed to.

Ordered, That Mr. Baning deliver the same to the House of Assembly, for their consideration and concurrence.

Mr. Baning reported the delivery according to order.

On motion, by order,

The supplementary bill to the act for ascertaining the depreciation of the pay accounts of divers persons in the several departments of the army, &c., was read the second time, and sundry

amendments were proposed, agreed to, and ordered to be transcribed.

Ordered, That Mr. Joshua Polk return the said bill, with the paper of amendments proposed thereto by the Council, to the House of Assembly, for their consideration and concurrence.

Mr. Polk reported the delivery according to order.

Mr. Carty, a member of the House of Assembly, was admitted and delivered to the Chair the resolutions of the General Assembly, made at their last sitting, directing a report of the state of the accounts between this State and the United States, with a resolution of the House of Assembly for the payment of seventy-five pounds to Wm. Peery, Esq., for public services performed.

Adjourned till to-morrow at 7 o'clock.

FRIDAY, June 20, 1783.

The Council met. Present the same members as on yesterday.

The Council now took into consideration the additional amendments proposed by the House of Assembly to the bill for auditing and arranging the accounts of this State, and agreed thereto, and also proposed further additional amendments to the said bill, by inserting in the 4th page of the House of Assembly's transcribed bill, last line but one and next before the words [any law, usage or custom to the contrary notwithstanding], the following words: [other than for any overplus of the specific sum directed to be raised in the annual tax acts occasioned by an excess of rate laid to supply deficiencies and the charge of collection].

Ordered, That Mr. Read return to the House of Assembly the foregoing bill, with the additional amendments proposed by that House agreed to by the Council, and a further additional amendment proposed by the Council to the said bill.

Mr. Read reported the delivery thereof, according to order, to the House of Assembly.

On motion, by order,

The bill for raising £22,500 for the service of the year 1783, was read the third time, by paragraphs, and, upon the motion and question, "Whether the power of collection shall be vested in one person in each county, he to be accountable in the Auditor's office by rendering his accounts there of collection on or before the 20th day of January and 10th day of April next, and finally accounting there on the said 10th day of April, paying in the meantime to the State Treasurer, on the 1st days of December and March next, the several proportions directed to be raised in each county, thereby changing the mode of collection from the collectors of hundreds and their account and payment to the County Treasurer, and by him to the State Treasurer," the Council determined in favor of the question.

Whereupon Mr. William Polk required the yeas and nays on the above question. They are as follows:

For the question—Messrs. Read, Bassett, Grantham, and Banning.

Against it—Mr. William Polk, and Mr. Joshua Polk.

Then the Council proceeded in the further consideration of the said bill, and divers other amendments were proposed, agreed to and ordered to be sent to the House of Assembly, for their consideration and concurrence, together with the said bill, by Mr. Bassett; who reported the delivery according to order.

Mr. James, a member of the House of Assembly, attending, was admitted and delivered to the Chair the report of the committee of the House of Assembly upon the memorials of Capt. Moore and Doctor Tilton, and the petition of Ginnethan Harney, formerly a lieutenant in the Delaware Regiment, together with a resolution of the House of Assembly for issuing a certificate to Ginnethan Harney.

Mr. Ridgely, a member of the House of Assembly, was admitted and delivered to the Chair the bill for raising £22,500 for the service of the year 1783, with the paper of amendments proposed thereto by the Council, disagreed to by the House of Assembly except as to their first part of the 4th amendment.

Mr. Davis, a member of the House of Assembly, was admitted

and delivered to the Chair the bill for auditing and arranging the accounts of this State, &c., and the further additional amendment proposed thereto by the Council acceded to by the House of Assembly, together with a further amendment proposed by the House of Assembly to the same bill; which, by order, was read, considered and agreed to. Upon the question being put, it was determined in Council unanimously that the blank in the bill for auditing and arranging the accounts of this State and for the more effectual settlement of the same, be filled up with the name of Eleazar McComb, Esquire.

Ordered, That the said bill, as amended and agreed to, be engrossed.

Mr. Charles Polk, a member of the House of Assembly, was admitted and returned the report of the committee of Council to whom was referred the President's Message of the 14th June, 1783, accompanied with a letter from the Delegates of this State on the subject of the back lands, with an amendment proposed thereto by the House of Assembly.

Mr. Molleston, a member of Assembly, was admitted and delivered an account of James Booth, Esquire, for public services done, against the Delaware State, amounting to £74 : 12 : 10, together with a resolution of the House of Assembly for the payment of £24 : 12 : 10, the balance of the above account, to the said James Booth.

The same member also delivered to the Chair the account of Isaac Carty, Esquire, late Assistant Commissary of Purchases, amounting to £1997 : 18 : 4, together with a resolution of the House of Assembly for the payment of £500 to Isaac Carty, Esq.

On motion, by order,

The bill for preventing vexatious suits, &c., was read the second time.

Adjourned till to-morrow.

SATURDAY, June 21, 1783.

The Council met. Present the same members as on yesterday.

The bill for auditing and arranging the accounts of this State, &c., being engrossed, was read, compared and signed by the Speaker.

The Council now took into consideration such of the amendments as were proposed by them and disagreed to by the House of Assembly to the bill for raising £22,500 for the service of the present year, and receded from all so disagreed to except the proposed enacting clause in the 6th amendment, to which they adhered, and proposed a paper of further amendments to the same bill, which were agreed to, and ordered to be transcribed and sent to the House of Assembly, accompanied with the following message, drawn up at the table, read and agreed to, viz:

Gentlemen:

We return your second Tax Bill for the present year, with our first paper of amendments, the most material of which you had disagreed to, and you will then discover, that the Council had receded from all those amendments so disagreed to, but the proposed enacting clause in the sixth amendment, which the Council consider as necessary to be adopted upon the principles and plan of the Auditor's Bill, which has received the concurrence of your honorable House. We send you also a second paper of amendments framed on the same principles, to prevent a contradiction in the provision of the two bills aforesaid as to the mode of accounting by the respective County Treasurers.

Gentlemen—Be assured, that we have withdrawn those amendments relative to the mode of collection and account of the State-tax, granted by this bill for the year, not from any alteration in our sentiments expressed in our message to your House of the fourth of February last, with respect to which you have held an awful silence. The framing of this second bill upon the plan of the first, without answering the reasons assigned by Council for their proposed amendments to substantial parts of the bill, is a mode of conducting business of legislation totally different from what the Council conceive to be parliamentary, or ever hereto-

fore in practice in this State. The Council consider the delay of your honorable House, in taking up this subject of the annual supplies so late in the session, as an apology to the public and themselves, for assenting to the continuance of a plan of collection of the State-tax as heretofore used, apparently inadequate and unproductive. As the Council must either recede from their well founded and unanswered amendments, or lose the supplies for the year, they have considered the first as the lesser inconvenience, because temporary, and may be provided against in future.

Gentlemen of the House of Assembly—We cannot here omit taking notice of a further striking fact in support of our proposed alteration in the plan of collection and account of the State-tax which has been afforded since our former message on this subject, that is the total silence of the several persons to whom the resolutions of the General Assembly, passed the thirty-first January, 1783, were addressed and delivered, respecting the collection and account of the State-tax of the year 1781, particularly the County Treasurers, who were to be the first and principal actors under those resolutions, two of whom are members of your honorable House.

Ordered, That Mr. Bassett return to the House of Assembly the said bill, with the paper of further amendments proposed thereto by the Council, and the foregoing message; and that he also deliver the Auditor's bill, engrossed and signed by the Speaker, with the original bill, for comparison, and in order to be signed by the Speaker of the House of Assembly.

Mr. Bassett reported the delivery thereof according to order.

The Council took into consideration the amendment proposed by the House of Assembly to the instructions proposed by the Council to the Delegates from this State to the Congress of the United States, and agreed to the said proposed amendment, and the same, as was agreed to by both Houses, are as follows:

INSTRUCTIONS FROM THE GENERAL ASSEMBLY OF DELAWARE TO THE DELEGATES OF THE SAID STATE TO THE CONGRESS OF THE UNITED STATES OF AMERICA.

Gentlemen:

Yours of the eleventh instant to the President of this State, accompanied with the report of a committee of Congress on the

act of the Legislature of *Virginia* of the second of January, 1781, respecting the cession offered by that State to the United States, of all the lands northwest of the River Ohio, was laid before us, and after full consideration and deliberation had upon the premises, we are decidedly of opinion, that this State is justly entitled to a right, in common with the other members of the Union, to all that extensive tract of country which lies to the westward of the frontiers of the United States, the property of which was not vested in, or granted to, individuals at the commencement of the present war; or which hath been, or may hereafter be, gained from the King of Great Britain, or the native Indians, by the blood and treasure of all, and ought therefore to be a common estate, to be granted out on terms beneficial to the United States.

We are the more strongly impressed with these sentiments, because well assured, that every idea held out to the public, on paper or otherwise, at the commencement of the late war, was diametrically opposite to the acceptance by the other States, of the cession now proposed.

Why is this partial cession proposed, and that too, wonderfully fetterred?

The States are, or are not, entitled to their proportional part of the lands in dispute. If entitled, then the accepting of what is proposed is, must and will be hereafter, considered a clear dereliction of their right to the residue.

We apprehend the considering of these lands as the now indisputable right of the United States in common, and hereafter to be granted out on terms beneficial to the whole, is so plainly consistent with justice and so indispensibly essential to the future peace and welfare of the Union, that we feel ourselves not a little alarmed at such a seeming disinclination, which too evidently appears in our sister State, in giving up what justice so loudly demands from her.

We judge this business to be of the first magnitude—deeply interesting to us and our posterity; and for cogent reasons, we conceive no time should be lost in bringing it to a conclusion; and we expect and desire, that you will positively assert the claim of this State, in common with the other States, to all the lands to the westward of the frontiers of the United States as above expressed.

And that if any particular doubts or difficulties present themselves to your minds on the above question, supposing the ground thereof should be changed, or on any other question of great moment agitated, or likely to be soon controverted in Congress, you will communicate them fully to the President of this State, that he may be enabled to judge of the expediency of convening the Legislature and taking their sense thereon for your further direction.

On motion, by order,

The resolution for erecting a tombstone over the grave of Col. Haslet, was read the first time.

By special order, the same was read the second time, concurred in, and is as follows, viz :

"IN THE HOUSE OF ASSEMBLY,
"WEDNESDAY, A. M., June 18, 1783.

"The House having taken into consideration that part of the "message from his Excellency, the President, of the thirteenth "instant, recommending that something monumental be erected "at the place of interment of the body of Colonel John Haslet, "who nobly fell in the defence of the freedom of America,

"*Resolved*, That the Delegates from this State to Congress be "empowered to cause a tombstone to be erected over the grave "of the deceased, at the expense of this State, with such inscrip- "tion thereon as they shall think proper, expressive of the high "esteem this State entertains for the memory of that worthy "citizen and patriot; and that the President be empowered to "draw his order on the State Treasurer for any sum not exceed- "ing twenty pounds to defray the expense thereof.

"JAS. BOOTH, *Cl'k of Assembly.*

"Sent for concurrence."

On motion, by order,

The resolution of the House of Assembly founded on the report of the Committee of Accounts on the accounts of Peter White, was read and concurred in.

On motion, by order,

The resolution of the House of Assembly for the payment of £75 to Wm. Peery, Esq., was read and concurred in.

On motion, by order,

The resolution for the payment of £24 : 12 : 10 to Jas. Booth, Esquire, was read and concurred in.

On motion, by order,

The resolution for issuing a certificate to Ginnethan Harney, was read and concurred in.

Ordered, That Mr. W. Polk return to the House of Assembly the several foregoing resolutions, concurred in severally by the Council, together with the several accounts on which the said resolutions are respectively founded; and that he also deliver to that House the instructions of the Council to the Delegates in Congress, with the amendment proposed thereto by the House of Assembly agreed to by the Council.

Mr. Polk reported the delivery according to order.

Mr. James, a member of the House of Assembly, was admitted and delivered to the Chair a resolution appointing a committee to adjust the Loan Office accounts of Kent so far as respects Mr. Vining's estate.

The same member also delivered a resolution for the payment of £200 to James Adams, printer, accompanied with his petition.

The same member also delivered a resolution for ascertaining the allowance to the Delegates to Congress, founded on the resolutions of the last sitting, as amended by Council and agreed to by the House of Assembly.

The same member also delivered to the Chair a resolution appointing commissioners for establishing the line of jurisdiction, &c.

Mr. Clayton, a member of Assembly, was admitted and delivered to the Chair a resolution directing the State Treasurer to discharge the balance due on Robert Morris', Esq., bond.

On motion, by order,

The resolution appointing a committee to adjust the Loan

Office accounts of Kent County so far as respects Mr. Vining's estate, &c., was read and concurred in.

And thereupon the Council have appointed, on their part, John Cook, Esq., to join with the committee of the House of Assembly in the business above mentioned.

On motion, by order,

The petition of James Adams, printer, and the resolution of the House of Assembly for the payment of £200 to the said Jas. Adams, were read and concurred in.

On motion, by order,

The resolution for ascertaining the allowance to the Delegates in Congress, was read, concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,

"SATURDAY, June 21, 1783.

"WHEREAS it is necessary that the allowance to the Dele-"gates, from this State to the Congress of the United States of "America, be fixed and ascertained, and that a regular represen-"tation of this State in Congress be kept up in future; therefore

"*Resolved*, That each of the Delegates from this State to Con-"gress, for the present year, be allowed the sum of *four dollars* "*per day*, for every day they attend in Congress; provided that "such attendance be regular, so that a representation be kept up "in Congress.

"*Resolved also*, That the President or Commander-in-Chief of "this State, upon each Delegate's producing an account of his "monthly attendance as aforesaid, be and he hereby is author-"ized to draw an order on the State Treasurer, indorsed on such "account, for the payment of the same, which account, order "and receipt, shall be a sufficient voucher for the Treasurer in "settlement of his account.

"JAS. BOOTH, *Cl'k of Assembly*.

"Sent for concurrence."

On motion, by order,

The resolution appointing commissioners for establishing the line of jurisdiction, &c., was read, concurred in, and is as follows:

"IN THE HOUSE OF ASSEMBLY,
"THURSDAY, P. M., June 19, 1783.

"On motion,

"*Resolved*, That the Delegates from this State to the Congress "of the United States, for the time being, or any two of them, "be and are hereby appointed Commissioners, on the part of this "State, to join with such Commissioners as are, or may be ap- "pointed by the States of Pennsylvania and New Jersey, for the "purpose of settling and establishing the line of jurisdiction be- "tween Delaware, Pennsylvania and New Jersey, and for ascer- "taining and establishing the right of this State to the islands in "the Bay and River of Delaware.

"JAS. BOOTH, *Cl'k of Assembly.*

"Sent for concurrence."

On motion, by order,

The resolution directing the State Treasurer to discharge the balance due on Robert Morris', Esq., bond, was read and concurred in.

On motion, by order,

The resolution of the House of Assembly for the payment of £500 to Isaac Carty, Esq., was read and disagreed to.

Ordered, That Mr. Joshua Polk return the several foregoing resolutions (except the last mentioned, which was disagreed to), with the concurrence of the Council respectively thereto.

Mr. Polk reported the delivery according to order.

Mr. Charles Polk, a member of the House of Assembly, was admitted and delivered to the Chair the bill for arranging the accounts of this State, with the original.

The same member also delivered the bill for raising £22,500 for the service of the year 1783; the supplementary act to the act for ascertaining the pay accounts of divers persons in the several departments of the army, &c.; the bill to authorize the Delegates of the Delaware State to ratify the alteration of the 8th Article of the Confederation, &c.; the bill for repealing part of

an act for ascertaining the allowance to the members of the General Assembly, &c.; the bill to invest Congress with the power to levy duties upon all goods, &c.; and also the bill for repealing part of an act entitled "An act to prevent the sales of lands, goods, &c., by virtue of executions," respectively engrossed and signed by the Speaker of the House of Assembly, together with a resolution for affixing the Great Seal to the said bills, and a message from the House of Assembly to the Council.

On motion, by order,

The foregoing bills were read, compared, and ordered to be respectively signed by the Speaker of the Council; which was accordingly done.

On motion, by order,

The resolution for affixing the Great Seal to seven laws passed the 21st June, 1783, was read, concurred in, and is as follows, viz:

"IN THE HOUSE OF ASSEMBLY,

"SATURDAY, June 21, 1783.

"On motion,

"*Resolved*, That the President and Commander-in-Chief affix "the Great Seal of the State to the following laws, to wit:

"1. 'An act to invest the Congress of the United States with "the power to levy duties upon all goods, wares, and merchan-"dise imported into this State from beyond the seas, for a limited "time, and to establish a fund for the payment of the interest "arising on the public debt;'

"2. 'An act for repealing part of an act entitled 'An act for "ascertaining the allowance to members of the General Assem-"bly, and for other purposes,' passed at New Castle, the twelfth "day of February, one thousand seven hundred and eighty-one;'

"3. 'An act to authorize the Delegates of the Delaware State "to subscribe and ratify the alteration of part of the Eighth "Article of the Confederation and perpetual Union between the "United States of America, as agreed to in Congress on the "eighteenth day of April last;'

"4. 'An act for the repeal of part of an act entitled 'An act

"to prevent the sales of lands, goods, and chattels, by virtue of "execution, in certain cases, for a limited time, and for other "purposes;'

"5. 'An act for the auditing and arranging the accounts of "this State, and for the more effectual settlement of the same;'

"6. 'A supplement to an act entitled 'An act for ascertaining "the depreciation of the pay accounts of divers persons in the "several departments of the army who are credited to this State "as part of the quota of the land forces thereof, and for other "purposes;'

"7. 'An act for raising twenty-two thousand five hundred "pounds for the service of the year one thousand seven hundred "and eighty-three.'

"JAMES BOOTH, *Cl'k of Assembly.*

"Sent for concurrence."

Mr. Duff, a member of the House of Assembly, was admitted and delivered to the Chair a resolution of the House of Assembly for the payment of £29 to the President, with an order, signed by the Speaker of the House of Assembly, for that purpose, and also an order in favor of James Adams, printer, for £200, signed as above.

On motion, by order,

The resolution for the payment of £29 to the President, was read, concurred in, and is in these words, viz:

"IN THE HOUSE OF ASSEMBLY,

"SATURDAY, June 21, 1783.

"On motion,

"*Resolved*, That his Excellency, the President, be allowed the "sum of twenty-nine pounds for the purpose of defraying his "expenses during his attendance on the General Assembly at "the present sessions.

"JAS. BOOTH, *Cl'k of Assembly.*

"Sent for concurrence."

Whereupon the order above mentioned, in favor of the President, and that in favor of James Adams, were respectively signed by the Speaker.

Ordered, That Mr. Polk return to the House of Assembly the foregoing bills, respectively signed by the Speaker of the Council, together with the resolution for affixing the Great Seal to the said bills, and the resolution for the payment of £29 : 0 : 0 to the President, with the concurrence of the Council severally thereto.

Mr. Polk reported the delivery according to order.

Then the Council took into consideration the per diem wages and mileage of their Members and Clerk, incurred at their present meeting, and the following accounts were allowed, viz :

To the Hon. John Cook, Esq., Speaker, No. 1, . .	£	27	11 0
To George Read, Esq., No. 2, ...		18	13 6
To Isaac Grantham, Esq., No. 3, ...		20	9 6
To John Baning, Esq., No. 4, ...		17	10 0
To Richard Bassett, Esq., No. 5, ...		21	17 6
To Joshua Polk, Esq., No. 6, ...		19	2 0
To William Polk, Esq., No. 7, ...		12	10 6
To Benjamin Vining, as Clerk of the Council, No. 8,		25	2 6
To Mrs. Eliza Battell, for the hire of her room, No. 9, ...		5	0 0
	£	167	16 6

Whereupon

Ordered, That the Speaker draw orders on the State Treasurer in favor of the respective persons above mentioned for the payment of the sums annexed to their names respectively.

Which was accordingly done.

Then the Council adjourned to the 30th day of September next.

MINUTES OF COUNCIL.

OCTOBER, 1783.

MEMBERS' NAMES.

NEW CASTLE COUNTY:

ISAAC GRANTHAM, GEORGE READ, THOMAS MCDONOUGH.

KENT COUNTY:

RICHARD BASSETT, JOHN BANING, CÆSAR RODNEY, *Speaker*.

SUSSEX COUNTY:

WILLIAM POLK, JOHN COLLINS, JOSHUA POLK.

DK
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VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

At a meeting of the Legislative Council for the Delaware State, held at Dover, for the said State, on Monday, the 20th day of October, Anno Domini, 1783,

A sufficient number of the members not having met to form a quorum on that day, they adjourned from day to day until Saturday, the 25th of the same month, when these appeared, as follows:

For New Castle County — Isaac Grantham, George Read, Thomas McDonough.

For Kent County—Richard Bassett, John Baning, Cæsar Rodney.

And the said members being so met in Council, certain indentures, certifying the election of Thomas McDonough, a member of the Council for the County of New Castle, and Cæsar Rodney, a member of the Council for the County of Kent, were respectively produced and read, whereby it appeared to the Council that they were severally duly elected to represent the said Counties as members of the Legislative Council of the Delaware State, at the last annual election held in the Counties of New Castle and Kent, on the first day of this instant, October, for three years next ensuing the said election.

The Council proceeded to the choice of a Speaker, and the Honorable Cæsar Rodney, Esquire, was unanimously chosen.

The Council then proceeded to the choice of a Clerk, and a letter from Benjamin Vining, Esq., the late Clerk, being read,

mentioning his desire to decline that service, James Sykes, Esq., was unanimously chosen Clerk of this House.

On motion, the Council adjourned to Monday morning, 10 o'clock.

MONDAY, 27th October, A. M.

Council met. Present all the members who appeared on Saturday last.

The Speaker, in the Chair, took the oath prescribed by the Constitution, and subscribed the declaration of faith therein required, and Thomas McDonough, Esquire, took the said oath and subscribed the declaration.*

James Sykes, Clerk of the Council, took the said oath and subscribed the declaration, and also took the oath of office.*

William Polk, Esq., a member of Council for Sussex County, appeared in the House and took his seat.

Joshua Polk, Esquire, also appeared in the House, and at the same time was delivered to the Chair an indenture, certifying that the said Joshua Polk, in the said indenture returned by the Sheriff, Inspectors and Freeholders of Sussex County, was elected in the present year for said county by a majority of such votes as the Inspectors of the several hundreds in the said county of Sussex, or a majority of them, adjudged to be legal votes.

On motion, ordered to be left under consideration until to-morrow.

Mr. Bassett prays leave of absence, to attend the Supreme Court of Sussex County, for a few days, which is granted.

Adjourned to 10 o'clock to-morrow morning.

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*See notes on pages 10 and 11.

TUESDAY, 28th, A. M.

Council met. All the members present who attended yesterday, except Mr. Bassett.

The Speaker laid on the table sundry petitions and remonstrances, signed by a number of the inhabitants of Sussex County, and one petition, signed by a number of the inhabitants of Kent County, delivered him by a member of the House of Assembly, complaining of irregularity in conducting the last annual elections in those counties.

On motion, ordered that the same be read; which was done accordingly.

On motion, by special order, the petition from Kent County was read a second time. The whole referred to further consideration.

Adjourned to three o'clock this afternoon.

EODEM DIE, P. M.

Council met and resumed the consideration of the petitions last mentioned, and after some time spent thereon, ordered that subpœnas shall issue for James Raymond, Esq., Col. Charles Pope, James Vandyke, Joseph Meredith, William Pope, Benj. Stout, William Jordon, Thomas Collins, Esquire, John Clayton, Esq., James Newnam, Joseph Harper, Thomas Skillington, Samuel Freeman, Geo. McCall, Joseph Taylor, Henry Gilder and Curtis Crumpton, commanding their appearance before this House on Tuesday, the fourth day of November next, to be examined touching the complaint exhibited in the said petition from Kent County, and that a copy of the said petition be made out by the Clerk and delivered to John Clayton, Esquire, High Sheriff.

Ordered also, That subpœnas shall issue for such persons whose

names are written on the back of the petitions and remonstrances from Sussex County, to wit: Rhodes Shankland, Esquire, John Wiltbank, Esq., Thomas Duncan (Constable), Thomas Higman, Richard Hays, Thomas Fisher, Jr., John Burton, son of Benjamin, Zadock Lindal, Charles Polk, Francis Johnston, Alexander Laws, Esq., David Polk, Esq., John Laws, Esq., Evan McIvan, William Sharp, Ely Spicer, Doct. Clement Polk, Seth Griffith, Nathaniel Waller and Benjamin Burton; and also for such persons as were judges and clerks at the election of that County, to wit: Richard Hayes, Junior, John Willis, Joseph Bradley, Levin Vaughn, John Bacon, Robert Stephenson, Peter Marsh, Somerset Dickinson, Jonathan Nottingham and Mills Harney, commanding their attendance, respectively, before this House on Thursday, the sixth of November next, to be examined and answer touching the complaints represented in said petitions and remonstrances from said county; and that one copy of a petition and one of a remonstrance be made out by the Clerk and sent into that county.

Ordered, That Mr. Speaker sign the subpœnas above mentioned.

Ordered also, That Mr. Speaker issue subpœnas for such persons as may be wanted to attend and give evidence on the investigation of the subject matter of the above petitions concerning the elections of those counties, upon application made to him by any person or persons concerned for that purpose, returnable, those for Kent on Tuesday, the fourth of November next, or the day following; those for Sussex on Thursday, the sixth of the same month, or any day following in that week.

Then the Council appointed James Newnam Sergeant-at-Arms, and ordered that Mr. Speaker shall appoint a Deputy, to act in his stead, in case of necessary absence.

Adjourned to Tuesday, 4th November, at 10 o'clock in the morning.

TUESDAY, November 4th, A. M.

Council met according to adjournment. All the members present, except Messrs. Bassett, Wm. Polk, and Collins.

On motion, ordered

That the doors of this House shall be set open during the inquiry into the validity of the elections of Kent and Sussex.

On motion, ordered

That the several depositions and examination of witnesses that shall appear before this House concerning the said elections shall be taken in writing by the Clerk.

James Newnam appointed Doorkeeper during the present sitting.

The several subpœnas issued for sundry persons in the County of Kent, therein mentioned, were now returned by Stephen Alston, Deputy Sergeant-at-Arms, and by him duly certified that he had served them upon each person respectively.

Adjourned till three o'clock, P. M.

EODEM DIE, P. M.

Council met and proceeded to the examination of such witnesses as appeared who were signers of the petition concerning the election of Kent County, and took the same in writing, agreeable to the above order.

On motion, adjourned till to-morrow morning, 10 o'clock.

WEDNESDAY, November 5th, A. M.

Council met. Present all the members who appeared yesterday, and resumed the examination of witnesses, and made some progress therein, and adjourned till 3 o'clock this afternoon.

EODEM DIE, P. M.

The Council met.

Mr. William Polk, a member of Council, appeared in the House, and made an apology for his non-attendance at the first meeting of this House, which was accepted.

The House continued the examination of witnesses on the petition from Kent County.

Mr. Collins, a member of Council, appeared in the House and took his seat.

Adjourned to ten o'clock to-morrow morning.

THURSDAY, 6th November, A. M.

Council met. Present all the members.

Mr. Bassett, who had been absent during the present sitting of the House at Sussex Supreme Court, now gave the reasons for his not sooner attending, which were accepted.

The several subpœnas issued for sundry persons of the County of Sussex, therein mentioned, were returned to this House by

James Newnam, Sergeant-at-Arms, and by him duly certified that he had served them upon each person respectively.

Adjourned to three o'clock, P. M.

EODEM DIE, P. M.

Council met.

Seven petitions, signed by a great number of the inhabitants of Kent County, complaining of the violent proceedings of some persons at the last general election in carrying off the box containing the votes then remaining to be read at one of the polls, were read.

Ordered to lie on the table.

Council then proceeded to examine witnesses from Sussex County on the subject matter of the general election of that County, and made some progress therein.

Adjourned to ten o'clock to-morrow morning.

FRIDAY, 7th November, A. M.

Council met. Present all the members.

Continued the examination of witnesses from Sussex County on the petitions presented to Council from that county, and made some progress therein.

Adjourned till three o'clock this afternoon.

EODEM DIE, P. M.

Council met and went into the same inquiry.

Adjourned till nine o'clock to-morrow morning.

SATURDAY, 8th November, A. M.

Council met. Present all the members.

Continued the examination of witnesses from Sussex County.

The question was put, after the subject was debated, whether Isaac Conway, a person who had been indicted for high treason in the County of Sussex, and afterwards pardoned by an act of Assembly for the relief of divers persons concerned in the late insurrection in said county, passed November 4th, 1780, should be admitted to give evidence to Council upon the subject matter of the election of that county, the said person having complied with the terms of said act, and it passed in the affirmative.

On motion, that the yeas and nays should be entered on that question, it was ordered accordingly, and they are as follows, viz:

For the affirmative — George Read, Richard Bassett, John Baning, Thomas McDonough, Isaac Grantham.

For the negative—William Polk, John Collins.

Council adjourned to 10 o'clock Monday morning.

MONDAY, 10th November, A. M.

Council met. Present all the members, except Mr. Polk and Mr. Collins, and continued the examination of witnesses from Sussex County.

Adjourned to three o'clock this afternoon.

EODEM DIE, P. M.

Council met. Same members appeared as in the morning.

Continued the examination of witnesses from Sussex County.

Mr. William Polk appeared, represented to the House that one of his children was very ill, which had occasioned his delay, and hoped the excuse of the House for that reason. He is therefore excused.

Adjourned to 10 o'clock to-morrow morning.

TUESDAY, 11th Nov., A. M.

Council met. Continued the examination of witnesses from Sussex County.

Adjourned to three o'clock this afternoon.

EODEM DIE, P. M.

Council met. Continued the examination of witnesses from Sussex County.

Mr. Joshua Polk was now admitted to take and subscribe the oath prescribed by the Constitution, and to take his seat in Council as a sitting member until Council shall decide upon the legality of the election for the County of Sussex.

Council adjourned to 10 o'clock to-morrow morning.

WEDNESDAY, 12th November, A. M.

Council met. Present all the members.

Continued the examination of witnesses from Sussex County.

Adjourned to three o'clock this afternoon.

POST MERIDIAN.

Council met. Present the same members.

Proceeded to examine witnesses from Sussex County.

Council adjourned to 9 o'clock to-morrow morning.

THURSDAY, 13th November, A. M.

Council met. Present same members as before.

On motion, that Council go into the consideration of the Kent petition at 4 o'clock this afternoon, it was thereto agreed.

Adjourned until 4 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present all the members.

The petition from Kent County respecting the annual election of that county, and the testimony respecting the same, was taken

into consideration, and the debate upon the same was further postponed until to-morrow.

Council adjourned to 9 o'clock to-morrow.

FRIDAY, November 14, A. M.

The Council met according to adjournment, and adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present all the members.

And now the Council resumed the consideration of the petition from Kent County, praying that the election had on the first day of October last should be set aside, together with the testimony produced and heard by the Council to the same election.

And thereupon the Council resolved unanimously as follows, to wit:

1. That no evidence whatsoever hath been given to support the charge that one of the Inspectors changed a vote delivered to him by an elector.

2. That no evidence hath been given that any Inspector did swear that such particular men should be carried, but one inspector, to wit: Samuel Wilson, of Duck Creek Hundred, did imprudently say that a parcel of tickets which he held in his hand should or would go, declaring they were good whig votes. That said Wilson was in liquor at time.

3. That as to the charge that a number of non-jurors and persons otherwise disqualified to vote were admitted to vote, it ap-

pears, by the testimony of Joseph Meredith, that a James Maxwell should have told him that he had voted though he had not taken the oath of fidelity; and that it further appears as well by the said inspector Wilson's testimony as also by his list of voters at the said election that he (Wilson) received Maxwell's vote as a good vote, that Maxwell, although summoned to attend the Council, hath neglected so to do for the ascertainment of the fact of his being a non-juror, but that no other testimony was given of admitting other non-jurors or other disqualified persons to vote.

4. That no evidence whatsoever hath been given of administering the oath of fidelity to the State to any disaffected persons on the morning of the election.

5. That it appears by the evidence that about one or two o'clock in the morning of the 2d of October last, while the judges of the election were employed in reading off the received votes out of the box into which all the votes had been put and mixed, a person by the name of Conner did forcibly take and carry off the said box containing in it the remaining uncounted votes or tickets.

6. That it appears by the evidence that one of the polls or tallies, kept by John Pearce (one of the appointed clerks) containing the number of votes for Counsellor and Assemblymen was taken up by Judge Collins and saved from an attempt made by a James Frazer to seize it. That the same was in Judge Collins' sole possession for about ten minutes, after which he delivered it to the Sheriff and inspectors. That the other poll for Counsellor and Assemblymen was in the sole possession of the Sheriff, he taking up from Mr. Stout, the other clerk, upon the seizing and carrying off the box. That at the same time one of the polls or tallies kept of the votes for the candidates for Sheriff and Coroner's office was taken up and secured by George Cummins, the under-Sheriff, and by him immediately delivered to the Sheriff. That the other poll or tally for Sheriff and Coroner was seized and carried off by a certain Isaac Griffin, of Duck Creek Hundred. That upon the examination and comparison immediately made after the return of Judge Collins of the two polls or tallies for Counsellor and Assemblymen the number tallied off in each of these two polls corresponded.

7. That it appears, as well by verbal testimony as by the lists

and tallies kept by the clerks appointed for that purpose, that the whole number of the votes or tickets received at the said election, put into the said general box, amounted to seven hundred and fifty, and the number of the said tickets read off from the said box amounted to six hundred and sixty-seven.

8. That it appears by the tesiimony and lists last aforesaid, as also by the Sheriff's, inspectors' and freeholders' indenture, returned to this House, that Cæsar Rodney, Esquire, the candidate for the vacant seat, in the County of Kent, in this present year, and the returned member, had six hundred and sixty-five votes of the said number so read off.

9. That it appears by the evidence that the other two votes were for persons ineligible, to wit: Thomas Collins, Esquire, Chief Justice of the Common Pleas, and Richard Bassett, Esquire, already a member of this House.

10. That it appears by the evidence that several persons' names, annexed to the said petition, particulalry those of Samuel Griffin, Enoch Jones and Alexander Worknot, were not subscribed by themselves or by their order.

11. That it appears by the evidence that Isaac Griffin, whose name is annexed to the said petition, conducted himself in a very unbecoming, disorderly manner during the time the said votes were reading off, in the presence of the judges of the election, and from his conduct immediately on Conner's taking the box, induce the Council to believe he was privy to Conner's intention of taking it.

12. That it appears by the evidence that one other of the petitioners, Thomas Cummerford, had knowledge of such an attempt being to be made, before it was carried into execution.

And thereupon it was unanimously adjudged by the Council that Cæsar Rodney, Esquire, the returned member of this House for the County of Kent, this present year, was duly elected.

On motion, ordered

That the consideration of the petition and remonstrance, complaining of irregularity in conducting the last general election of Sussex County, be taken up at the meeting of Council to-morrow morning.

Council adjourned to 10 o'clock to-morrow morning.

SATURDAY, November 15th, A. M.

Council met. Present all the members.

Agreeable to the order of the day, Council went into the consideration of the petition and remonstrance concerning the irregularity of conducting the last general election of Sussex County, and praying that writs for holding a new election in that county may be directed, or such other measures for restoring the just rights and liberties of the people, preserving them forever inviolate, redressing their present and preventing future grievances, as may be most conducive and effectual to that important end, and after some time spent thereon, adjourned to three o'clock this afternoon.

EODEM DIE, P. M.

Council met. Present all the members, except Mr. Joshua Polk.

And now the Council resumed the consideration of the petition and remonstrance from Sussex County, together with the testimony produced and heard by the Council relative to the last general election held for that county, and after some time spent therein,

On motion, the following questions were put, viz:

1. Whether the fact alleged in the petition from Sussex, complaining that the petitioners, who had lately taken the oath of fidelity to the State, producing a voucher to the Justice at the time, were refused to vote at the general election, for that the vouchers had not been sworn, appears to be proved to the satisfaction of this House?

Passed in the affirmative unanimously.

2. Whether the Inspectors refusing the said votes were warranted by law in so doing?

Passed in the negative.

On motion, that the yeas and nays should be entered on this question, it was ordered accordingly, and they are as follows, viz:

For the affirmative—Mr. William Polk, Mr. Collins.

For the negative—Mr. Read, Mr. Baning, Mr. Bassett, Mr. McDonough, Mr. Grantham.

3. Whether the fact alleged in the said petition, that some of the said Inspectors refused the votes of persons under age at the time of passing the law for the further security of the Government, in May, 1778, and who had taken the oath of fidelity to the State after three months from their coming of age, without producing a voucher, appears to be proved?

Passed in the affirmative unanimously.

4. Whether such Inspectors were warranted by law in so doing?

Passed in the negative.

On motion, yeas and nays on this question ordered:

For the affirmative—Mr. Collins.

For the negative—Mr. Read, Mr. Baning, Mr. Polk, Mr. Bassett, Mr. McDonough, Mr Grantham.

Quest. 1st. Respecting the remonstrance from Sussex County: Whether the fact alleged in the remonstrance from Sussex County, complaining that a number of officers and soldiers, lately in the pay of the Continent, and also one of the Inspectors and his clerk, appeared at the general election with swords, bayonets and clubs, and that said officers and soldiers uttered many menacing speeches to terrify the electors, and actually committed a most violent and outrageous riot in beating and abusing several persons, and also in beating and abusing a Constable, in the execution of his office, who commanded the peace, and others, by means whereof many electors rode out of town without voting, appears to be proved to the satisfaction of this House?

Passed in the affirmative.

On motion, ordered that the yeas and nays on this question be taken:

For the affirmative—Mr. Read, Mr. Baning, Mr. Bassett, Mr. McDonough, Mr. Grantham.

For the negative—Mr. William Polk, Mr. Collins.

2d. Whether the fact alleged in the said remonstrance that several boys and persons under age were permitted to vote at the said election, appears to be proved to the satisfaction of this House?

Passed in the affirmative.

On motion, the yeas and nays on this question ordered:

For the affirmative—Mr. Read, Mr. Baning, Mr. Bassett, Mr. McDonough, Mr. Grantham.

For the negative—Mr. William Polk, Mr. Collins.

3d. Whether the fact alleged in the said remonstrance that some persons, who had taken the oath of fidelity lately, by producing a voucher to a Justice of the Peace without the voucher being first sworn, were permitted to vote at said election, and others, who had taken the said oath of fidelity in the same manner, were not permitted to vote, appears to be proved to the satisfaction of this House?

Passed in the affirmative.

On motion, the yeas and nays on this question ordered:

For the affirmative—Mr. Read, Mr. Baning, Mr. Bassett, Mr. McDonough, Mr. Grantham.

For the negative—Mr. William Polk, Mr. Collins.

4th. Whether the fact alleged in the said remonstrance that some persons, who were under age at the time of making the law for the further security of the Government, and had taken the oath of fidelity after the expiration of three months from the time of their coming of age, were permitted to vote at the said election, and others, circumstanced in the same manner, were not permitted to vote, appears to be proved to the satisfaction of this House?

Passed in the affirmative unanimously.

WHEREAS it appears to this House, from the testimony delivered on the petition and remonstrance aforesaid, that some of the Inspectors, who joined in certain rules for governing their conduct as to the receiving of votes, conducted that business in a manner different from those rules and different from the other Inspectors; therefore

Resolved, That the said election, held on the first day of October last, was not freely, legally, and indifferently made, and it is adjudged by the Council, that Joshua Polk, in the indenture returned by the Sheriff, Inspectors, and Freeholders of the said County, as elected in the present year, for Sussex County, by a majority of such votes, as the Inspectors of the several Hundreds, in the said County of Sussex, or a majority of them, adjuged to be legal votes, was not legally elected.

On motion, the yeas and nays on this resolution ordered:

For the affirmative—Mr. Read, Mr. Baning, Mr. Bassett, Mr. McDonough, Mr. Grantham.

For the negative—Mr. William Polk.

Mr. Collins, not being decided on this question, did not vote.

On motion, the question was now put,

Whether an order of the House should be now made for issuing writs for a new election in the County of Sussex for a member of the Legislative Council in the room of Joshua Polk, Esquire, whose election has been determined illegal?

Passed in the negative.

On motion, the yeas and nays on this question ordered:

For the affirmative—Mr. William Polk, Mr. Collins.

For the negative—Mr. Read, Mr. Baning, Mr. Bassett, Mr. McDonough, Mr. Grantham.

Then the following accounts were allowed:

To the Honorable Cæsar Rodney, Esquire, Speaker, for his attendance, ...	£ 18	18	0
To George Read, Esquire, for ditto and mileage, . .	17	12	6
To Isaac Grantham, Esquire, for ditto, ...	16	7	6

To Thomas McDonough, Esquire, for attendance and mileage,	£ 15	10	0
To Richard Bassett, Esquire, for ditto,	9	7	6
To John Baning, Esquire, for ditto,	9	12	0
To William Polk, Esquire, for ditto,	10	1	0
To John Collins, Esquire, for ditto,	8	13	0
To Joshua Polk, Esquire, for ditto,	6	12	0
To James Sykes, Esq., Clerk of the Council,	24	0	0
To James Newnam, Sergeant-at-Arms,	60	0	0
To Stephen Alston, Deputy Sergeant-at-Arms,	13	14	6
To Mrs. Elizabeth Battell, for the use of a room, fire-wood and candles,	12	0	0

Then the Council adjourned to the 5th January next.

MINUTES OF COUNCIL.

JAN.--OCT., 1784.

O.K.

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

ADJOURNED SESSIONS, 1784.

JANUARY 5th, 1784.

The members of the Council for the County of Kent attended, but there not being a sufficient number from the other Counties to make a quorum, no business could be proceeded on.

On the 13th January, the following notification was delivered by the Speaker of the House of Assembly to the Speaker of the Council, to wit:

DELAWARE STATE,

IN THE HOUSE OF ASSEMBLY, January 13th, 1784.

WHEREAS from the particular situation of some of the absent members of this House, it is impracticable to proceed at this time in the decision of the controverted elections for the Counties of Kent and Sussex; it is therefore

Resolved, That this House adjourn, and it is hereby adjourned to Monday the 29th day of March next.

ROBERT BRYAN, *Speaker.*

For the HONORABLE CÆSAR RODNEY, Esq., *Speaker of Council.*

Thereupon the Council adjourned until Monday, March 29th, next.

THURSDAY, April 8th, 1784.

A sufficient number of the members not having met to form a quorum on the 29th of March (the day to which the Council stood adjourned), those in attendance adjourned from day to day until Thursday, the 8th of April, when there appeared as follows:

For New Castle County—Isaac Grantham, Thomas McDonough.

For Kent County—Richard Bassett, John Baning.

Who met at the house of the Honorable Cæsar Rodney, Esq., the Speaker, he being too much indisposed to attend at the usual place of meeting.

Mr. Molleston, a member of the House of Assembly, attending, was admitted and delivered at the table a letter from the President of Congress, inclosing a resolution of that honorable body respecting the appointment of Delegates from this State to Congress; also a message and resolution of their House proposing that the General Assembly should meet forthwith, in the Council Chamber, to put in nomination persons to be balloted for to represent this State in Congress, which resolution follows in these words:*

On motion, ordered,

That a message from the Council to the House of Assembly, on the foregoing resolution of their House, be drawn up at the table, which being done, Mr. Grantham is ordered to wait on the House of Assembly and deliver the same; which was done accordingly, and follows in these words:

A MESSAGE FROM THE COUNCIL TO THE HOUSE OF ASSEMBLY.

Gentlemen:

The Council received your message of this forenoon, and beg leave to suggest to your honorable House, previous to their transacting any business, that they conceive, as one of the Coun-

* This paper does not appear on the record.

ties of this State is unrepresented in Council, they therefore apprehend an impropriety in doing business until that representation is had. However, as Council is disposed to do every thing in their power that may be thought to tend to promote the weal and happiness of their constituents, therefore, if your House conceive, under present circumstances, that legislative business can be transacted with propriety, they will not retard the same, but will meet your House forthwith, as is proposed.

April 8th, 1784. CÆSAR RODNEY, *Speaker.*

A member of the House of Assembly, attending, was admitted and informed the Council that the House of Assembly intended going on the business proposed in their message, and requested a meeting of both Houses for that purpose.

Which being agreed to by Council, both Houses met in the Council Chamber, and the following gentlemen were put in nomination for Delegates to Congress for this State: John McKinly, Esq., Thomas Rodney, Esq., Henry Latimer, Esq., John Vining, Esq., James Tilton, Esq., William Killen, Esq., Gunning Bedford, Jun., Esq., John Thompson, Esq., Samuel Patterson, Esq., Charles Ridgely, Esq.

Ordered, That both Houses proceed to ballot immediately; which being done, and the box containing the tickets examined by the Speakers of both Houses, and the votes taken down by the Clerks, it appeared that the following gentlemen were chosen by a majority of votes, viz: John Vining, John McKinly, Henry Latimer and Thomas Rodney, Esquires, and they were declared duly elected.

The members of the House of Assembly having withdrawn from the Council Chamber, on motion,

Resolved, That the Speaker shall issue his writ for holding an election in the County of Sussex for electing a member of Council for that county in the room of Joshua Polk, whose election, on the first day of October last, had been by Council declared void, at such time as the Speaker shall think proper.

Council adjourned to 10 o'clock to-morrow morning.

FRIDAY, April 9th, A. M.

Council met. All the members present who attended yesterday.

Mr. James, a member of Assembly, attending, was admitted and delivered to the Chair a report of the Auditor of Accounts, representing that there was due to Thomas Montgomery the sum of £3 : 18, for getting certificates printed for the use of the Auditors for settling the depreciation of the pay of the Delaware Regiments; and that there was due to James Adams, for printing, contracted for by John James and Thomas Kean, Esqrs., for the use of the State, the sum of £68 : 7 : 6, with orders drawn in favor of those persons, and signed by the Speaker of Assembly, and sent to Council for concurrence; which, being read, was agreed to, and the orders signed by the Speaker of Council.

Mr. Grantham delivered at the Council table certain resolutions of the House of Assembly, respecting the commissionating the members appointed to represent this State in Congress, and ascertaining their allowance, and certain resolutions of the said House for the payment of public debts (which had been delivered to him by Mr. Douglass, a member of Assembly); which being acted upon by the Council, was concurred in.

Then the Council allowed the following accounts:

To the Honorable Cæsar Rodney, Esq., Speaker, 12 days' attendance,	£	10	16 0
To Thomas McDonough, Esq., 6 days' attendance and mileage,		5	5 0
To Isaac Grantham, Esq., for 4 days' attendance and mileage,		4	10 0
To James Sykes, Clerk, for his attendance,		5	0 0
To James Newnam, Sergeant-at-Arms, for attendance and riding express to New Castle,		5	6 6
To Thomas Black, for ringing the bell,		1	17 6
Total,	£	32	15 0

Then the Council adjourned to the 24th of May next, agreeable to a written intimation, directed to the Speaker of Assembly, that that House had adjourned to that time.

MONDAY, 24th May, 1784.

A sufficient number of the members not having met to form a quorum on that day, they adjourned from day to day until Tuesday, the 15th of June, when all the members met, except the Hon. Cæsar Rodney, Esq., Speaker, and Richard Bassett, Esq.

The Council—*

* Thus closes the record of the May session.

MINUTES

OF THE

LEGISLATIVE COUNCIL

OF

THE DELAWARE STATE,

HELD AT DOVER, WEDNESDAY, OCT. 20TH, 1784.

A sufficient number of the members not having met to form a quorum on that day, they adjourned from day to day until Monday, the 25th of the same month, when there appeared as follows:

For New Castle County—George Read, Thomas McDonough, George Craghead.

For Kent County—Richard Bassett, Vincent Loockerman, Silas Snow.

For Sussex County—Henry Neill.

And the said members being so met in Council, certain indentures, certifying the election of George Craghead, Esq., a member of Council for the County of New Castle; and Vincent Loockerman, Esq., a member of Council in the room of Cæsar Rodney, Esq., dec'd, and Silas Snow, Esq., one other member, both for the County of Kent; and Henry Neill, Esq., a member of Council for the County of Sussex, were respectively produced and read, whereby it appeared to the Council that they were severally duly elected to represent the said Counties as members of the Legislative Council of the Delaware State, at the last annual election held in the said Counties of New Castle, Kent and Sussex, on the first day of this instant, October, for three years next ensuing the said election.

The Council proceeded to the choice of a Speaker, and the Honorable Thomas McDonough was unanimously chosen.

The members elected this present year took the oath prescribed by the Constitution and subscribed the declaration of faith therein required. [*See note on page 10.*]

On motion, Messrs. Read, Bassett and Craghead are appointed a committee to wait on his Excellency, the President, and inform him that Council had met, chosen their Speaker, and were ready to proceed on business, and desire to know if his Excellency had any to lay before them.

And Messrs. Snow and Loockerman are appointed a committee to wait on the House of Assembly and inform them that Council were ready to receive and act upon any business that House may have to present.

These gentlemen, being returned, do report—the former, that they had waited on his Excellency, the President, and delivered the message committed to them, according to order, and that he was pleased to say that he had sent a message to the House of Assembly, which in due time would come before the Council; the latter, that they had waited on the House of Assembly, had delivered the message committed to them, and were informed by the House that a message would be sent to Council in a short time.

Mr. Joshua Polk, a member of Council for Sussex County, now appeared in the House and took his seat.

Mr. Nixon, a member of Assembly, attending, was admitted and delivered to the Chair a resolution of that House, which, by order, being read, follows in these words:

IN THE HOUSE OF ASSEMBLY,
MONDAY, P. M., Oct. 25, 1784.

On motion,

Resolved, That Mr. Nixon wait on the Council and propose to them that both Houses of the General Assembly meet in the Council Chamber, to-morrow at eleven o'clock in the forenoon, to put in nomination persons to be balloted for as Delegates to represent this State in the Congress of the United States of America from the first day of November next ensuing until the

first day of November in the year one thousand seven hundred and eighty-five.

October 25th, 1784.

JAMES BOOTH, *Cl'k of the Assembly.*

Concurred in by Council.

JAMES SYKES, *Cl'k of Council.*

Ordered, That Mr. Joshua Polk wait on the House of Assembly with the above resolution, with the concurrence of Council thereunto;

Who, being returned, reported that he had waited on the House of Assembly and delivered the said resolution according to order.

On motion, the Rules of the Council, made and agreed to in the year 1776, were read.

On application of Mr. Bassett for leave of absence a few days to attend the Supreme Court of Sussex County, and the same being seconded, is granted, if Mr. Bassett should think his attendance there absolutely necessary.

Adjourned till 10 o'clock to-morrow morning.

TUESDAY, October 26th, A. M.

Council met. Present all the members.

Mr. William Polk now appeared and took his seat in Council.

Both Houses of the General Assembly, having now met in the Council Chamber, proceeded to put in nomination gentlemen for Delegates in Congress, agreeable to the order of the day, and the following gentlemen were put in nomination, to wit: Gunning Bedford, Jr., Esq., John Vining, Esq , Samuel Patterson, Esq., Thomas Rodney, Esq., Doctor James Tilton, Major John Patton,

William Killen, Esq., John Thompson, Esq., John Jones, Esq., and Thomas Collins, Esq.

On motion, that five persons should be chosen to represent this State in Congress, and the question being put, it passed in the negative.

On motion, that four persons should be chosen for the purpose aforesaid, and the question being put, it passed in the affirmative.

On motion,

Resolved, That both Houses meet at four o'clock this afternoon, in the Council Chamber, to ballot for four Members of Congress, to serve from the first day of November next ensuing until the first day of November in the year 1785.

Then the two Houses separated.

Adjourned to 3 o'clock, P. M.

TUESDAY, 26th October, P. M.

Council met. All the members present.

Both Houses of the General Assembly met again, agreeable to the resolution of the forenoon, and proceeded to ballot for Members of Congress, and it appeared, upon casting up the votes, that the four following gentlemen were chosen by a majority of votes, and declared duly elected, to wit: John Vining, Gunning Bedford, Jun., Doct. James Tilton, and Samuel Patterson, Esqs.

Then the two Houses separated.

Council adjourned to 10 o'clock to-morrow morning.

WEDNESDAY, October 27th, A. M.

Council met. Present all the members.

Adjourned to 3 o'clock, P. M.

WEDNESDAY, October 27th, P. M.

Council met. Present all the members.

A petition, signed by Bertles Shea, a prisoner in the jail of Dover, representing that he is confined in the said jail at the suit of Messrs. Hugh Lennox and Company, merchants in Philadelphia, for the debt of £450, which, with divers other large debts, he is become unable to pay; that he is willing to assign all his property, real and personal, whatsoever and wheresoever, to the use of his creditors, and prays that he may be relieved from his imprisonment upon such terms and conditions as the General Assembly shall think meet, was read.

Mr. Broom, a member of the House of Assembly, attending, was admitted and delivered to the Chair a bill entitled "A supplementary act to the act entitled 'An act for the more easy and speedy recovery of small debts, accompanied with sundry petitions, signed by a great number of the inhabitants of New Castle County, and one petition, signed by some inhabitants of Sussex County, praying the jurisdiction of the Justices of the Peace within this State may be extended to determine debts for all sums not exceeding fifteen pounds.

On motion, ordered that the same be read; which was done accordingly.

Adjourned to 10 o'clock to-morrow morning.

THURSDAY, October 28th, A. M.

Council met. Present all the members.

On motion, the bill entitled "A supplement to an act for the more easy and speedy recovery of small debts," was read a second time.

Mr. Mitchell, a member of the House of Assembly, attending,

was admitted and delivered to the Chair a bill entitled "An act for the relief of Bertles Shea, a languishing prisoner in the jail of Kent County," accompanied with a petition, signed by the said Bertles Shea, in the same words of the petition read yesterday in Council.

On motion,

The consideration of the supplementary bill above mentioned is referred to a committee of three, to wit: Messrs. Bassett, Read and Neill, who are to report the amendments therein suggested to be made by Council.

Council adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present all the members.

On motion, the bill for the relief of Bertles Shea was read.

Mr. Taylor, a member of the House of Assembly, attending, was admitted and delivered to the Chair a bill entitled "An act to increase the daily allowance of Grand and Petit Jurors," accompanied with a petition, signed by sundry inhabitants of New Castle County, praying that some reasonable allowance may be made for the expenses of jurymen while in attendance upon that service. These papers were read.

On motion,

Resolved, That a committee of three be appointed to bring in a bill for the devising of the means of supplying the several offices of this State with public seals to authentic the acts of office where such seals are necessary to be annexed, as well with respect to such offices whose seals have heretofore been taken by the enemy, as others the devices of which seals may not be inconformable to the independency of the State.

Whereupon Messrs. Read, William Polk and Snow were appointed a committee for that purpose.

Mr. Broom, a member of the House of Assembly, attending, was admitted and delivered to the Chair a message from his Excellency, the President of this State, accompanied with three letters from the Financier, of the 26th May, 14th June, and 12th October, 1784, and a letter from the Committee of the States, of the 2d August, 1784, with the ratification of the definitive treaty; which, by order, was read, as follows:

Gentlemen of the General Assembly:

The Secretary will lay before you sundry public letters, which I have received since the last meeting of the late General Assembly, to wit: One of the 2d of August last, from the Committee of the States, accompanied by a copy of the ratification of the definitive treaty of peace on the part of his Britannic majesty, exchanged with that on the part of the United States of America on the 10th of May last, at Passy. On the final accomplishment of this important and interesting business, I take this early opportunity of presenting you my most hearty congratulations—an event which has placed these United States in the possession of liberty and independence, and secured to them a rank among the nations of the earth. The recollection of the unequal and arduous struggle lately endured by America, for the attainment of these important blessings, must call forth the most sincere gratitude to the Wise Disposer of human events, and kindle in the breast of every American a warm attachment to that illustrious ally who, from a wise and generous policy, exerted his national strength for our defence and support. Virtue, and a wise and just policy, will, I hope, in future, render us as illustrious in peace as we have been in war, and enable us as a nation to enjoy the extensive privileges and blessings tendered to us and our posterity by our present situation.

One of the 17th of the same month, from Thomas Barclay, Consul-General of these States, at Paris, with the *arret* of his Most Christian Majesty confirming the privileges which the ports of Dunkirk and Marseilles have for some time enjoyed, and for establishing l'Orient and Bayonne as free ports.

Two from the Financier-General and Mr. Purnel, on the subject of the recovery from individuals of debts due, and effects belonging to the United States. I thought it my duty to inform Mr. Morris that such provision had been made by the Legislature of this State, and that Congress had been furnished with the

same; in consequence thereof I received his answer of the 14th of June last.

One of the 21st of last month from the State Treasurer, resigning his appointment, under a late law to issue a certificate for interest due on monies loaned, and liquidated debts. I have been informed by that gentleman that he cannot transact the business, no provision being made for a clerk, either by Congress or the Legislature; and lest the good people of the State might be injured, I wrote Mr. Morris on the subject, in order that that objection might be speedily removed. By his answer, of the 12th instant, you will perceive the business is yet at a stand, and as the County Collectors are now in the execution of the duty assigned them, unless the Legislature adopt some mode for certificates to issue, the taxables who are entitled to them will be more distressed in payment of their taxes than is just, or was expected by the late General Assembly.

Gentlemen—As the public dispatches now laid before you will demand but a small share of your time, the remainder of it, I am convinced, will be devoted to an attention to the necessary and important objects of the internal concerns of the State. Among the many interesting matters which will claim your attention, I shall only point out the following: a law for establishing a militia within this State, which is the most natural and secure defence of a free republic, and is with great propriety and justness of sentiment proposed and urged by our late worthy Commander-in-Chief in his memorable valedictory address; a proper regulation for the encouragement and introduction of trade; a law providing for the naturalization of foreigners who may come among us; a more adequate provision to secure the inhabitants of the State from injury by sickly crews being landed; an amendment to the present mode of taxation; a regulation of water grist-mills, and a a revision and publication of the laws of the State.

NICHOLAS VANDYKE.

Dover, October 23, 1784.

Adjourned to ten o'clock to-morrow morning.

FRIDAY, October 29th, A. M.

Council met. Present all the members.

Mr. Bradley, a member of the House of Assembly, attending, was admitted and delivered to the Chair a resolution of that House signifying their intention to adjourn to-morrow evening to some future day.

The committee appointed to prepare amendments to the supplementary bill to the act entitled "An act for the more easy and speedy recovery of small debts," now reported that they had essayed a draught of sundry amendments to the said supplementary bill, which they laid on the table and submitted to the consideration of the House.

On motion, ordered that the said amendments be read; which was done accordingly.

On the question, "Whether the enacting clause in the amendment that the fees of office should be applied to the use of the poor in the respective hundreds where the Justice resides?" it passed in the affirmative.

On motion, the yeas and nays on the foregoing question were ordered, and are as follows:

For the affirmative—Mr. Neill, Mr. William Polk, Mr. Bassett, Mr. J. Polk, Mr. Loockerman.

For the negative—Mr. Read, Mr. Craghead, Mr. Snow.

The several amendments reported by the committee being agreed to, ordered that they be transcribed.

Adjourned to 4 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present all the members.

On motion,

Ordered, That Mr. Craghead wait on the House of Assembly and deliver the supplementary bill to the act for the more easy and speedy recovery of small debts, with the paper of amendments proposed thereto by the Council, for the concurrence of that House.

Mr. Craghead, being returned, reported that he had delivered the said bill and amendments of Council according to order.

On motion, ordered

That the bill entitled "An act to increase the daily allowance to Grand and Petit Jurors," should have a second reading, which was done accordingly, and is referred to further consideration.

On motion,

The bill entitled "An act for the relief of Bertles Shea, a languishing prisoner in the jail of Kent County," was read a second time, and some amendments being proposed and made at the table, on motion,

Ordered, That Mr. Wm. Polk wait on the House of Assembly with the said bill and amendments, for concurrence of that House.

Mr. Smith, a member of the House of Assembly, attending, was admitted and delivered to the Chair a letter from Samuel Patterson, Esq., resigning the office of Continental Loan Officer for the Delaware State; resolutions of the House of Assembly respecting the issuing certificates for interest due on Continental Debts; a resolution for the payment of £3 to William Manlove, reported to be due to him by the Auditor for a musket and cartooch box; which, by order, were severally read. The resolutions, founded on the letter above mentioned, are as follows:

IN THE HOUSE OF ASSEMBLY,
FRIDAY, A. M., October 29, 1784.

WHEREAS it appears by letter from Samuel Patterson, Esq., the Continental Loan Officer of this State, that he desires leave to resign the trust assigned to him by an act of the Assembly of this State, entitled, "An act for raising twenty-three thousand six hundred and twenty-five pounds for the service of the year one thousand seven hundred and eighty-four," so far as the same relates to giving certificates for interest due on monies loaned to Congress and liquidated debts against the United States, which which resignation the General Assembly cannot accept; but, in order to make the business as easy to Mr. Patterson as the nature of it will admit, and to accommodate it to the ease and convenience of the inhabitants of the several counties of this State,

Resolved, That Samuel Patterson, Esq., Continental Loan Officer of this State, be, and he is hereby requested to appoint a deputy in each of the Counties of Kent and Sussex; which deputies, when so appointed, are hereby declared to have the same powers to issue such certificates in the name of the said Samuel Patterson, as the said Samuel Patterson hath by the above recited act of Assembly.

That the said Samuel Patterson transmit to his said deputies in the Counties of Kent and Sussex, true copies of his instructions from the Superintendent of the Finances of the United States, on the subject of issuing the certificates for interest due as aforesaid, together with a written form of such certificates, for their government and direction in performing that business.

That in case the United States, in Congress asembled, do not make a reasonable compensation to the said Samuel Patterson and his deputies, for their trouble in performing the aforesaid service, that this State will make such compensation for the same as the General Assembly shall deem reasonable and just.

JAS. BOOTH, *Cl'k of Assembly.*

Sent for concurrence.

Adjourned to ten o'clock to-morrow morning.

SATURDAY, October 30th, A. M.

Council met. Present all the members.

Mr. William Polk reported having delivered the bill for the relief of Bertles Shea to the House of Assembly according to order.

Mr. Revell, a member of the House of Assembly, attending, was admitted and delivered to the Chair the bill entitled "A supplement to the act for the more easy and speedy recovery of small debts," with the amendments proposed by Council thereunto, and to many parts of which the House of Assembly had disagreed, and amendments proposed by the House of Assembly to those of Council.

On motion, Council resumed the consideration of the bill for enlarging the allowance to the Grand and Petit Jurors, and after some time spent therein, the same is referred to further consideration.

The letter from Samuel Patterson, Esquire, Continental Loan Officer, with the resolutions of the House of Assembly thereupon, were, by order, read the second time.

On motion, the question was put, "Shall the resolutions of the House of Assembly, founded on the letter of Samuel Patterson, Esq., be rejected?" and it passed in the affirmative unanimously.

On motion, ordered,

That a committee of three be appointed to propose certain resolutions of Council respecting the subject of the letter of Samuel Patterson, Esq.

Whereupon Mr. Bassett, Mr. Read, and Mr. Snow are appointed a committee for that purpose.

Council then took into consideration their amendments on the supplementary bill, &c.

On motion, the yeas and nays on the last clause but one in the supplementary bill to the act for the more easy and speedy recovery of small debts, concerning the duties of the Justices on

the said supplementary bill being done without fee or reward, the same were ordered, and are as follows:

For the affirmative—Mr. Neill, Mr. W. Polk, Mr. Loockerman and Mr. Bassett.

For the negative—Mr. Read, Mr. Craghead, Mr. Snow and Mr. J. Polk.

And Council being thus divided on the question, the Speaker gave his voice in the affirmative, and it passed that the said clause should be retained.

Adjourned to 3 o'clock, P. M.

SATURDAY, October 30th, P. M.

Council met. Present all the members.

On motion, ordered,

That Mr. Neill wait on the House of Assembly with the supplementary bill to the act for the more easy and speedy recovery of small debts, with the amendments of Council, which had been returned by that House, many of them disagreed to by the same, and the amendments proposed by the Assembly to those of the amendments of Council, and inform the House of Assembly that Council adhered to their several amendments, except the last, from which they had receded, and that Council disagreed to the amendment of the House of Assembly on one of the amendments proposed by Council.

Mr. Neill, being returned, reported that he had delivered the bill and amendments last mentioned to the House of Assembly, according to order.

On motion, the report of the Auditor of Accounts respecting the sum of £3 being due to William Manlove, and the resolution of the House of Assembly thereon, was read a second time and concurred in by Council.

Ordered, That the Speaker sign the order drawn in favor of said William Manlove, sent with the above mentioned papers; which was done accordingly.

On motion, ordered,

That Mr. Snow deliver the said order to the House of Assembly; who, being returned, reported that he had delivered the same according to order.

Mr. Broom, a member of the House of Assembly, attending, was admitted and delivered to the Chair the supplementary bill to the act for the more easy and speedy recovery of small debts, with the amendments returned to that House and adhered to by Council, with a paper of a further amendment proposed by the Assembly, and a verbal message, which, being read, follows in these words:

A Verbal Message to the Council from the House of Assembly.

Gentlemen:

This House have fully considered the amendments proposed by your honorable House to the supplementary bill for the more easy and speedy recovery of small debts, and still continue to reject such of the said amendments as were before disagreed to by this House and adhered to by the Council, and have also proposed a further amendment. This we have done upon full conviction that acceding to those amendments will not be productive of utility in framing the bill; and altho' we conceive this law to be a very beneficial one, and much desired by our constituents, yet, if the Council cannot recede from the aforesaid amendments, we can only lament the loss of an act salutary to the good people of this State.

Upon reconsideration of Council on their amendment on the quantam of the sum from ten to twelve pounds in the said supplementary bill mentioned, the Council, on the question, receded from their amendment thereon, but adhered to the other several amendments by them proposed.

On motion, the question was put, "Shall a committee be appointed to prepare and bring in a message to the House of Assembly, therein giving the reasons of Council for their ad-

herence to the several amendments proposed by them to the supplementary bill last mentioned, except that receded from by Council?" It was carried in the affirmative.

Committee: Mr. Bassett, Mr. Wm. Polk, and Mr. Neill.

Mr. Read craved leave of absence after this evening, which is granted.

The committee appointed to prepare and bring in certain resolutions concerning the resignation of Samuel Patterson, Esq.. of his office of Continental Loan Officer of this State, now reported that they had essayed a draught for that purpose, which they submitted to the correction of the House.

On motion, ordered that the same be read.

By special order, the same was read a second time, agreed to, and ordered to be transcribed, and sent to the House of Assembly for concurrence.

The report aforesaid being transcribed and compared, ordered that Mr. Neill wait upon the House of Assembly therewith; who, being returned, reported he had delivered the same according to order.

Mr. Douglass, a member of Assembly, attending, was admitted and delivered to the Chair the bill for the relief of Bertles Shea, to which that House had agreed, with the amendments proposed by Council, with a resolution to affix the Great Seal thereunto, to which Council concurred, and the Speaker, by order, signed the said bill.

Mr. Taylor, a member of Assembly, attending, was admitted and delivered to the Chair the report of the committee of Council on the letter of General Patterson, disagreed to by that House.

The committee appointed to prepare a message from the Council to the House of Assembly, assigning their reasons for adhering to their amendments proposed to the supplementary bill to the act for the more easy and speedy recovery of small debts, now reported that they had essayed a draught for that purpose, which they submitted to the correction of the House.

Ordered that the same be read; which was done accordingly,

and after some amendments, was agreed to, and ordered to be transcribed.

The transcribed message was read and compared, and ordered to be signed by the Speaker.

Before any further proceedings could be had, notice was given that the House of Assembly had adjourned to the first Monday in January.

MINUTES OF COUNCIL.

JAN.---OCT., 1785.

C.K.

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

MONDAY, 3d January, 1785.

A sufficient number of the members not having met to form a quorum on that day, they adjourned from day to day until Friday, the 7th of the same month, when there appeared, as follows:

For New Castle County—Thomas McDonough, Speaker, Geo. Craghead.

For Kent County—Richard Bassett, Vincent Loockerman, Silas Snow.

On motion, ordered,

Upon the question, that the message to the House of Assembly that was prepared by Council on the close of the last sitting, and could not be delivered on account of the sudden adjournment of that House, should be sent on the first meeting of that House, together with the bill on which the subject matter of that message is founded, and the amendments proposed by Council thereto, &c.

Ordered, That Mr. Snow deliver the same.

On motion, for leave to bring in a bill for reviving an act of Assembly of the late Government entitled "An act for the appointment of rangers and regulating strays," as the same has been some time expired, and had been beneficial heretofore to the good people of this State.

Ordered, upon the question, that leave be given to bring in such a bill.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present same members.

Adjourned to 10 o'clock to-morrow morning.

SATURDAY, January 8th, A. M.

Council met. Present the same members.

A bill entitled "An act for reviving an act entitled 'An act for the appointment of rangers and regulation of strays,'" was now delivered to the Chair, and, by order, read the first time.

Ordered to lie on the table.

On motion, the bill concerning rangers and strays, was read a second time.

Ordered, That the said bill be passed, transcribed and sent to the House of Assembly, for concurrence, and that Mr. Craghead deliver the same.

Adjourned to Monday morning, 10 o'clock.

MONDAY, January 10th, A. M.

Council met. Present the same members.

Mr. Craghead now informed Council that he had delivered the bill concerning rangers and strays to the House of Assembly, agreeable to order.

Mr. Snow also reported that he had delivered to the Speaker of the House of Assembly, on Saturday last, the papers committed to his charge, that House being not competent to do business at that time for want of a sufficient number to form a quorum.

On motion being made and seconded, that leave be given to bring in a bill obliging executors to give security for the faithful performance of the trust in them reposed, and upon the question, it passed in the affirmative.

Mr. Bassett therefore laid on the table a bill for that purpose.

Ordered that the same be read; which was done accordingly, and laid on the table.

Adjourned to 10 o'clock to-morrow morning.

TUESDAY, January 11th, A. M.

Council met. Present the same members, and Mr. William Polk, who appeared at this meeting.

On motion, a petition, signed by Simon Wilmer Wilson and Peter Barclay Ferry, representing the injury they had sustained by the capture of a schooner, part whereof belonged to them, and of the great expense by them incurred in paying the salvage to those who had afterwards retaken her, &c., and desiring relief in

the premises, accompanied with their accounts of expenditures on that occasion, and the Auditor's report thereon, were read the first time.

Ordered to lie on the table.

On motion, a remonstrance, signed by John Baning, Treasurer of Kent County, representing that in consequence of certain resolutions of the General Assembly of the 9th April, 1784, for the payment of one year's interest due on the certificates of the officers, non-commissioned officers and soldiers of the Delaware Regiment, the officers of the Hospital and Medical Departments, and such other officers, non-commissioned officers and soldiers as are credited to this State in its quota of land forces, and others, that the same resolutions directed and empowered the President and Commander-in-Chief to draw his order on the State Treasurer for the payment of £7500 to the Treasurer of New Castle County, for the sum of £4000 to the Treasurer of Kent County, and for the sum of £1500 to the Treasurer of Sussex County, to enable them to discharge the public debts due as aforesaid; in consequence of which the President did draw an order, bearing date the 21st of April last, on the said State Treasurer for the payment of £4000 of the public money in his hands to the remonstrant, John Baning, Treasurer as aforesaid, to be applied according to the directions of the General Assembly, in their resolutions aforesaid.

That the remonstrant did not think it necessary to demand of the State Treasurer actual payment of the money mentioned in the said order of the President, as he presumed he should receive of the collectors of the different Hundreds of his County public money of their collections sufficient to discharge the debt aforesaid as fast as they should be demanded and that he has found in the actual performance of the duty enjoined him his presumption well grounded.

That the remonstrant did, immediately on the receipt of the said order and resolutions, begin and hath continued to pay the several public debts aforesaid, in the order prescribed by the said resolutions, out of the several collections paid into the Treasury, until the receipt of a letter from Samuel Patterson, Esq., State Treasurer, dated the 5th December last, requiring the remonstrant, in the most peremptory and authoritative manner, not to pay or discount any debts without his particular order.

That by reason of this *mandate* of the State Treasurer the remonstrant conceives he cannot safely continue to pay the residue of the said £4000 according to the resolutions aforesaid, nor answer any order or warrant of the General Assembly, or Commander-in-Chief, for the payment of money, unless the same shall be approved of and an order for the payment of the sums therein mentioned indorsed thereon by the said State Treasurer, as it must be presumed, from adverting to this prohibition, the said Samuel Patterson, the present State Treasurer, will not allow the remonstrant credit for such payments on the settlement of his accounts with him, and humbly praying the General Assembly to take his case into their serious consideration and provide ways and means to indemnify him for the payments he has already made in strict pursuance of the aforesaid resolutions, and give him their advice and direction how he is to demean himself in future, as County Treasurer, in respect to orders drawn upon him for the payment of money, either by the General Assembly, the Commander-in-Chief, or any other person or persons whatsoever, under color of any law now in force, except such orders as are drawn upon him by the said Samuel Patterson, as he has reason to apprehend that the payment of any others besides the latter will not be allowed to the credit of his accounts on settlement with the said Samuel Patterson.

Which remonstrance was accompanied with the resolutions of the General Assembly and the letter of Samuel Patterson above mentioned, and were severally read.

Ordered to lie on the table.

Council adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present all the members who appeared in the morning, except Mr. Bassett, who had been in the House before the calling thereof, and had leave of absence for a few hours.

On motion, the bill for raising the allowance of Grand and Petit Jurors, which was left under consideration at the last sitting of the General Assembly, was now again read.

Ordered to lie on the table.

Adjourned to ten o'clock to-morrow morning.

WEDNESDAY, January 12th, A. M.

Council met. Present the same members, and took into consideration the petition of Simon Wilmer Wilson and Peter Barclay Ferry, and the papers which accompanied it, and after some time spent therein, ordered, upon the question, that the said papers be delivered to the petitioners, and that they apply to Mr. Winder, and make such proofs to him of the justice of their claim as may be in his power.

On motion, the proposals of the House of Assembly for appointing conferees on the subject matter of the amendments to the supplementary bill to the act entitled "An act for the more easy and speedy recovery of small debts," which had been delivered to one of the members of Council in the evening of yesterday after Council had adjourned, by Mr. James, a member of Assembly, was now read, and follows in these words, viz:

IN THE HOUSE OF ASSEMBLY,
TUESDAY, P. M., Jan. 11th, 1785.

The House resumed the consideration of the bill entitled "A supplementary act to the act entitled 'An act for the more easy and speedy recovery of small debts,'" with the amendments proposed thereto and undetermined; and thereupon

Resolved, That it be proposed to the Council that a committee of conference be appointed by each House to confer on the subject matter of the said amendments.

The conferees appointed on the part of this House are: Mr. Peery, Mr. Bedford, and Mr. Raymond.

Extract from the minutes.

JAS. BOOTH, *Cl'k of Assembly.*

"Sent for concurrence."

Which being read and agreed to by Council, the following gentlemen were appointed conferees on the part of the Council, to wit: Mr. Bassett, Mr. Craghead, and Mr. Snow; who are to meet the conferees on the part of the House of Assembly at any time and place that is most agreeable to them.

Ordered, That Mr. William Polk wait on the House of Assembly and return the proposals of that House respecting the appointment of conferees on the subject matter of the supplementary bill to the act for the more easy recovery of small debts, with the appointment of conferees on the part of the Council on that business.

Mr. Polk, being returned, reported that he had delivered the paper committed to his charge to the House of Assembly, agreeable to order.

On motion, ordered,

That the bill entitled "An act to increase the daily allowance of Grand and Petit Jurors," should be read by paragraphs, in the course of which sundry amendments were proposed and agreed to by Council.

Ordered, That the said bill, with the amendments proposed by Council, should be sent to the House of Assembly for concurrence.

Ordered, That Mr. Loockerman wait on the House of Assembly with the bill and amendments, &c.

On motion, ordered,

That the bill obliging executors to give security for the faithful performance of the trust in them reposed, be read a second time; which was done accordingly.

On motion, and by order, the said bill was read the third time, by paragraphs, passed the House, is ordered to be transcribed, and sent to the House of Assembly for concurrence.

Council adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present the same members.

Mr. Loockerman reported that he had delivered the bill and amendments committed to his charge to the House of Assembly.

On motion, for leave to bring in a bill to empower the President or Commander-in-Chief of this State to commissionate some proper person in the commission of the peace as President of the several Courts of Quarter Sessions of the Peace within this State, and for other purposes, therein mentioned, the same is granted, and Mr. Craghead therefore delivered at the table a bill for the purpose aforesaid.

On motion, ordered that the same be read; which was done accordingly.

Ordered to lie on the table.

Adjourned to 10 o'clock to-morrow morning.

THURSDAY, January 13th, A. M.

Council met. Present the same members.

The committee appointed to confer with a committee of the House of Assembly on the subject matter of the amendments proposed by Council to the supplementary bill to the act for the

more easy and speedy recovery of small debts, do now report, that they had met the committee of the Assembly and come to an agreement as to several of the amendments, and had referred the residue to another conference.

Mr. Mitchell, a member of the House of Assembly, attending, was admitted and delivered to the Chair a bill entitled "An act to enable the owners and possessors of the meadow, marsh and cripple on Cedar Creek, in Red Lyon Hundred, in the County of New Castle, to erect a new bank in part and to keep the residue of the old bank, &c., in repair," accompanied with a petition of the owners thereof, and sundry advertisements giving notice of this application, &c.

The bill for obliging executors to give security, &c., being transcribed and compared,

Ordered, That Mr. Snow wait on the House of Assembly and deliver the same;

Who, being returned, reported he had delivered it to the Speaker, the House being not sitting.

Mr. Broom, a member of Assembly, attending, was admitted and delivered to the Chair the bill to increase the daily allowance of Grand and Petit Jurors, with the amendments proposed by the Council thereto, all of which the House of Assembly had agreed to, except the 7th, to which the House of Assembly proposed an amendment and an additional clause for the limitation of the said bill to three years, and from thence to the end of the next sitting of Assembly, and no longer.

The amendments of the House of Assembly to the amendments of the Council being read, Council agreed to the same, except the first, to which they adhered.

Ordered, That Mr. William Polk deliver the same to the House of Assembly.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present the same members.

The petition of divers inhabitants of Red Lyon Hundred, in the County of New Castle, owners of Cedar Creek Meadows, accompanied with a bill entitled "An act to enable the owners and possessors of the meadow, marsh and cripple on Cedar Creek, in Red Lyon Hundred, in the County of New Castle, to erect a new bank in part and keep the residue of the old bank, &c., in repair," and sundry advertisements, giving notice of the intended application to the General Assembly, and affidavits of their having been put up in due time, were read.

Mr. Polk, being returned, informed Council he had delivered the papers committed to his charge to the House of Assembly, according to order.

On motion,

Ordered, That Mr. Craghead wait on the House of Assembly with the remonstrance of John Baning, Treasurer of Kent County, and the papers accompanying the same;

Who, being returned, reported that he had delivered the same according to order.

Adjourned to 10 o'clock to-morrow morning.

FRIDAY, January 14th, A. M.

Council met. Present the same members.

On motion, by order,

The bill empowering the President or Commander-in-Chief to commissionate some proper persons to preside in the several

Courts of Quarter Sessions of the Peace in the respective Counties in this State, and for other purposes therein mentioned, was read the second time.

Ordered to lie on the table.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present the same members.

On motion, ordered,

That the bill entitled "An act to empower the President to appoint suitable persons to preside in the several Courts of General Quarter Sessions of the Peace in this State," was read by paragraphs, after sundry amendments agreed to by Council therein, and the questions being severally put, it passed the House.

Ordered to be transcribed and sent to the House of Assembly for concurrence.

A petition, signed by the Rev. Sydenham Thorne, a clergyman of the Protestant Episcopal Church, and an inhabitant of Sussex County, complaining of his being taxed in that county, contrary to usage and custom, all other clergymen having been exempted from taxation, and praying relief in the premises, was read the first time.

Ordered to lie on the table.

Adjourned to 10 o'clock to-morrow morning.

SATURDAY, January 15th, A. M.

Council met. Present the same members.

The bill entitled "An act to empower the President to appoint suitable persons to preside in the several Courts of General Quarter Sessions of the Peace in this State," being transcribed and compared, on motion,

Ordered, That Mr. William Polk wait on the House of Assembly therewith.

Mr. Broom, a member of Assembly, attending, was admitted and delivered to the Chair a message from the President, accompanied with a letter from Captain William McKennan to him, a certificate of monies advanced the Delaware Regiment by the State of Delaware for the year 1781, with a resolution of the House of Assembly in favor of Capt. McKennan, sent for concurrence.

Ordered that the above papers be read; which was done accordingly, and the resolution follows in these words:

IN THE HOUSE OF ASSEMBLY,

SATURDAY, Jan. 15th, 1785.

The House took into consideration the letter from Captain McKennan, of the 29th of October last, with the papers inclosed, and thereupon

Resolved, That Captain William McKennan be entitled to receive the pay and emoluments of a captain during the time he was employed in obtaining and distributing the final settlement certificates of the pay of officers and soldiers of the Delaware Regiment, and that the Auditor be directed to settle the same and report to the General Assembly the sum due.

Extract from the minutes. JAS. BOOTH,

Sent for concurrence. *Cl'k of Assembly.*

Mr. Neill, a member of Council, now appeared in the House and informed them he had been very unwell, which had occasioned his not attending sooner, and therefore hoped the excuse of Council, which is accepted.

Mr. Polk, being returned, reported that he had delivered the bill committed to his charge to the House of Assembly, according to order.

By special order, the resolution of the House of Assembly respecting Capt. McKennan, was read a second time and concurred in.

Ordered, That Mr. Snow wait on the House of Assembly and return the same;

Who, being returned, reported that he had delivered the paper committed to his charge, according to order.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present the same members, and adjourned to Monday next at 10 o'clock, A. M.

MONDAY, January 17th, A. M., 1785.

Council met. Present the same members, except Mr. Neill, who is indisposed.

Mr. James, a member of Assembly, attending, was admitted and delivered to the Chair a bill entitled "An act for establishing a Militia."

On motion, by order, the said bill was read the first time.

Ordered to lie on the table.

Adjourned to 10 o'clock to-morrow morning.

TUESDAY, January 18th, A. M.

Council met. Present the same members as yesterday.

The Speaker presented to Council a letter directed to him from William Millan, representing that he had Charles Gordon's obligation for £15 : 9, that he had delivered the same to William McClay, which has been since lost; that Charles Gordon's estate was confiscated and sold for the purpose of paying his debts, and the residue for the use of the State; that the amount of the sale of said estate is lost by the failing of Continental money; that he conceives he ought to be paid the principal and interest of his bond by this State, the amount of which, as by his account now exhibited, is £22 : 17.

On motion, by order, the said letter and accounts were read.

Ordered to lie on the table.

On motion, by order,

The bill entitled "An act for establishing a Militia," was read a second time.

Ordered to lie on the table.

Mr. Nixon, a member of Assembly, attending, was admitted and delivered to the Chair a bill entitled "An act to appoint suitable persons to preside in the several Courts of General Quarter Sessions of the Peace in this State," with some amendments proposed by that House to the same.

On motion, by order, the amendments proposed by the House of Assembly to the last mentioned bill were read.

Mr. Broom, a member of Assembly, attending, was admitted and delivered to the Chair resolutions of that House respecting an allowance to the Delegates in Congress, which, on motion, by order, were read, and follow in these words, viz:

IN THE HOUSE OF ASSEMBLY,

MONDAY, January 17th, 1785.

WHEREAS it becomes the duty of the Legislature to provide for the support of the Delegates from this State to the Congress of the United States in a manner suitable to the honor and dignity of their station; therefore

Resolved, That each of the Delegates from this State to the Congress of the United States, for the present year, be allowed the sum of forty shillings for every day he has attended, or shall attend in Congress, or any committee thereof, and also the same sum per day for traveling charges in going thereto, and returning therefrom.

Resolved also, That the Speakers of both Houses, or, in the recess of the General Assembly, the President or Commander-in-Chief of this State, upon each Delegate's producing an account of his attendance, be and are hereby authorized to draw an order on the State Treasurer indorsed on such account, for the payment of the same; which account, with the order and receipt, shall be a sufficient voucher for the Treasurer in the settlement of his accounts.

JAS. BOOTH, *Cl'k of Assembly.*

Sent for concurrence.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present the same members.

On motion, by order,

The resolutions of the House of Assembly ascertaining the allowance per day of the Delegates to Congress from this State to the United States, were read a second time, in the course of which reading some amendments were proposed and made thereto by Council.

On motion,

Ordered, That Mr. William Polk deliver the amendments to the House of Assembly;

Who, being returned, reported he had delivered the same.

On motion, by order, the amendments proposed by the House of Assembly to the bill entitled "An act to empower the President to appoint suitable persons to preside in the several Courts of Quarter Sessions of the Peace," were taken into consideration and severally agreed to, and the bill ordered to be engrossed.

Adjourned to 10 o'clock to-morrow morning.

WEDNESDAY, January 19th, A. M.

Council met. Present the same members as yesterday.

The engrossed bill, entitled "An act to empower the President to appoint suitable persons to preside in the several Courts of General Quarter Sessions of the Peace in this State," with the amendments proposed by the House of Assembly, and agreed to by Council, was now read and compared.

Ordered, That Mr. Craghead wait on the House of Assembly with the same;

Who, being returned, reported he had delivered the bill and amendments committed to his charge, according to order.

Mr. Raymond, a member of Assembly, attending, was admitted and delivered to the Chair the resolutions of that House respecting the allowance to the Delegates from this State to the United States in Congress, with the amendments proposed by Council thereunto, to two of which the House of Assembly had agreed, and to the other, with respect to increasing the daily allowance from 40*s.* to 45*s.*, that House had disagreed; also a report of the Auditor of Accounts on the resolutions of the General Assembly respecting the claim of Capt. William McKennan; which report follows in these words, viz:

The Auditor of Accounts being unprovided with the late resolutions of Congress for settling the accounts of the Army, has availed himself of the best information in his power to procure at present, and thereupon begs leave to make the following report, viz: That there is due to Captain William McKennan, for his pay and subsistence, and forage for his horse, for eight months, fifteen days, the time he charges to have been employed in obtaining and distributing final settlement certificates of the pay of the officers and soldiers of the Delaware Regiment, the sum of one hundred and eighty-four pounds, seventeen shillings and six pence.

January 18th, 1785. E. McCOMB, *Auditor of Accounts.*

In the House of Assembly, Wednesday, A. M., Jan. 19, 1785, read and agreed to.

JAMES BOOTH, *Cl'k of Assembly.*

In Council. Read and concurred in.

JAMES SYKES, *Cl'k Leg. Council.*

Council resumed the consideration of the bill entitled "An act for establishing a Militia," and after some time spent therein is referred to further consideration.

On motion, by order, on reading the amendments of Council to the resolutions of Assembly respecting the daily allowance of

the Delegates in Congress from this State, upon the question, "Do Council rescind their amendment thereto concerning the increasing the daily allowance therein mentioned?" it passed in the affirmative, and Council concurred in the said resolutions.

On motion,

Ordered, That Mr. Loockerman wait on the Assembly with the several papers delivered to Council by Mr. Raymond, to which Council had agreed, and also deliver at the same time William Millan's letter, with its inclosures, to that House.

Mr. Loockerman, being returned, reported that he had delivered the papers committed to his charge, according to order.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met.

Mr. Broom, a member of Assembly, attending, was admitted and delivered to the Chair a resolution of that House for drawing an order in favor of Capt. William McKennan, agreeable to the report of the Auditor of Accounts, with the order drawn by that House; which, by order, being read and concurred in, follows in these words, viz:

IN THE HOUSE OF ASSEMBLY,
WEDNESDAY, January 19, 1785.

On motion,

Resolved, That the Speakers of both Houses draw an order on the State Treasurer for the payment of one hundred and eighty-five pounds seventeen shillings and six pence to William McKennan, agreeable to the Auditor's Report, confirmed this day by the General Assembly.

JAS. BOOTH, *Cl'k of Assembly*.

Sent for concurrence.

Mr. Broom also delivered to the Chair an order, drawn by the House of Assembly, in favor of John Vining, Esq., one of the Delegates from this State to Congress, for the sum of £115 : 10, the amount of his account, as exhibited to the General Assembly, for his attendance in Congress the last year, and for the present year to this time; which, by order, was read and agreed to by Council.

Ordered, That the said orders be signed by the Speaker of Council; which was accordingly done.

Adjourned to 10 o'clock to-morrow morning,

THURSDAY, January 20th, A. M.

Council met. Present the same members as yesterday.

On motion being made and seconded, that leave be given to bring in a resolution of this House requiring and directing the members of Congress from this State, with all possible dispatch, to press Congress to form and recommend to the Legislature of this State what in their opinion may be a proper peace establishment, so as to form the Militia of the Union on a uniform, regular and respectable footing, which is granted; and Mr. Bassett laid a resolution on the table for that purpose, which, by order, was read, and follows in these words:

WHEREAS a well regulated Militia is and must be considered as the palladium of the security of our country, and the first effectual resort in case of hostility; and whereas to make it more useful and powerful it is necessary the same systen should, as near as possible, pervade the United States, that the discipline of the Militia of the Continent may be uniform, and the same species of arms, accoutrements and military apparatus be introduced in every part of the United States; therefore

Resolved, That the delegates to Congress from this State be required and directed, with all possible dispatch, to press Congress to form and recommend to the Legislatures of the several

States what, in their wisdom, may be a proper peace establishment for the United States; in which, due attention, it is not doubted, will be paid by Congress to the importance of placing the militia of the Union upon a regular and respectable footing.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met and adjourned to 10 o'clock to-morrow morning.

FRIDAY, January 21st, A. M.

Council met. Present the same members as yesterday.

Council resumed the consideration of the bill entitled "An act for establishing a Militia." In the course of reading the same, by paragraphs, sundry amendments were proposed and agreed to as far as Section six. The further consideration thereof referred until the afternoon.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present the same members.

The Council again resumed the consideration of the bill entitled "An act for establishing a Militia," from the sixth section, and some amendments were proposed to the seventh, eighth and ninth, which were agreed to by Council, the remaining sections of the said bill also agreed to.

Ordered, That the amendments be transcribed and sent to the House of Assembly for concurrence.

On motion, ordered,

That the resolution of Council respecting the directing the members of Congress from this State to press upon Congress the necessity of recommending to the several Legislatures of the United States what in their wisdom may be a proper peace establishment, &c., should be read; which was done accordingly, and agreed to by Council.

Ordered, To be transcribed and sent, with the above mentioned bill, to the House of Assembly.

On motion, for leave to bring in a bill as a supplement to "An act for the better regulation of servants and slaves, &c.," the same is granted, and Mr. Snow delivered a bill on the table, which, by order, was read the first time.

Ordered to lie on the table.

Ordered, That Mr. William Polk wait on the House of Assembly with the resolution drawn in favor of Capt. McKennan.

Adjourned to 10 o'clock to-morrow morning.

SATURDAY, January 22d, A. M.

Council met. Present the same members as yesterday.

The amendments to the bill for establishing a Militia, being transcribed, were compared, also the resolution directing the members of Congress from this State to press upon Congress the forming and recommending to the several Legislatures of the United States a proper peace establishment, &c.

Ordered, That Mr. William Polk wait on the House of Assembly with these papers, together with the bill for establishing a Militia.

Mr. Polk, being returned, reported that he had delivered to the House of Assembly the papers now committed to his charge, and also the resolution in favor of Capt. McKennan, which was committed to him yesterday in the afternoon.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present the same members.

Mr. Nixon, a member of Assembly, attending, was admitted and delivered to the Chair an engrossed bill entitled "A supplementary act to the act entitled 'An act for the more easy and speedy recovery of small debts,' " with the original draught; the engrossed bill entitled "An act to empower the President to appoint suitable persons to preside in the several Courts of General Quarter Sessions of the Peace in this State;" and the engrossed bill entitled "An act to increase the daily allowance of Grand and Petit Jurors and Witnesses," signed by the Speaker of the House of Assembly; which were severally compared.

Mr. Nixon also delivered to the Chair a bill for destroying the Bills of Credit emitted by virtue of any law of this State; a bill for the support of non-commissioned officers, private soldiers, &c., disabled in the course of the late war.

On motion, by order, the said two last mentioned bills were read the first time.

Ordered to lie on the table.

Adjourned to 10 o'clock on Monday morning.

MONDAY, January 24th, A. M.

Council met. Present all the members, as Mr. Read and Mr. Joshua Polk now appeared in the House and severally informed Council—the former, that at the time of the first meeting of the Council the weather was so extremely severe that he could not, in his state of health, venture abroad; that the week following some very urgent and indispensable business intervened, which detained him; the latter, that his absence was occasioned by the illness of his wife and his own indisposition. Both of the gentlemen's reasons are admitted, and they stand excused.

On motion, by order, the several engrossed bills last mentioned were signed by the Speaker.

On motion, by order,

The bill entitled "An act to enable the owners and possessors of the meadow, marsh and cripple on Cedar Creek, in Red Lyon Hundred, in the County of New Castle, to erect a new bank in part and to keep the residue of the old bank, &c., in repair," was signed by the Speaker.

Ordered, That Mr. Joshua Polk wait on the House of Assembly and deliver there the several bills signed by the Speaker.

On motion, by order,

The bill entitled "An act for the support of non-commissioned officers, private soldiers, warrant officers, marines, and seamen, citizens of this State, who, in the course of the late war, have been maimed, or disabled from getting a livelihood," was read a second time.

Ordered to lie on the table.

Mr. Joshua Polk, being returned, reported that he had delivered the bills committed to his charge, according to order.

On motion, by order,

The bill entitled "An act for calling in and destroying such of

the Bills of Credit, emitted by virtue of any law of this State passed under the present or former Government thereof, as are now outstanding, and for other purposes therein mentioned," was read a second time.

Ordered to lie on the table.

Mr. Waples, a member of Assembly, attending, was admitted and delivered to the Chair the bill for establishing a Militia, with the amendments proposed by Council to the same, to some of which the House of Assembly has disagreed.

Adjourned to 10 o'clock to-morrow morning.

TUESDAY, January 25th, A. M.

Council met. Present all the members.

On motion, by order, the petition from the Rev. Sydenham Thorne was read the second time.

Ordered to lie on the table for further consideration.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. All the members present.

Mr. Revell, a member of Assembly, attending, was admitted and returned to the Chair the bill entitled "An act to compel executors to give security for the faithful discharge of the duty reposed in them by their testator," with a paper of amendments proposed by that House.

On motion, by order, the amendments proposed to the said bill by the House of Assembly were read and disagreed to unanimously.

On motion,

Ordered, That Mr. Neill wait on the House of Assembly with the said bill, and the amendments of that House disagreed to by Council.

Mr. Neill, being returned, reported that he had returned to the House of Assembly the bill and amendments thereunto, proposed by that House, according to order.

The Council resumed the consideration of the amendments to the bill entitled "An act for establishing a Militia," to some of which the Assembly had disagreed, and after some time spent therein, the question was put, "Do Council adhere to their 7th amendment?" which is—in Section 7 and line 11 of the bill, after the words [provided with] insert the words [sufficient arms and accoutrements to enable him to be taught and instructed in his duty and exercise, to be adjudged of by the commanding officer present]—and the House being divided on this question, the Speaker gave his voice in the affirmative.

On motion, that the yeas and nays should be entered on this question, it was ordered accordingly, which are as follows:

For the affirmative—Mr. Read, Mr. Bassett, Mr. Snow, Mr. Loockerman.

For the negative—Mr. Craghead, Mr. Neill, Mr. J. Polk, Mr. W. Polk.

The whole of the amendments disagreed to by the House of Assembly were adhered to by Council, on the questions being severally put.

Adjourned to 10 o'clock to-morrow morning.

WEDNESDAY, January 26th, A. M.

Council met. Present all the members.

On motion,

Ordered, That Mr. Craghead wait on the House of Assembly and return the bill entitled "An act to establish a Militia," with the amendments of Council.

Mr. Waples, a member of Assembly, attending, was admitted and delivered to the Chair a petition, signed by a number of the inhabitants of Kent County, praying that an act of the General Assembly should pass to permit them to build a bridge across Mispillion Creek, at the upper landing on said creek, as the same would be of great advantage to the public, and that a considerable sum of money was subscribed for the same; also another petition, from divers inhabitants of Kent and Sussex Counties, against the prayer of the first, and a resolution of the House of Assembly appointing a committee upon the aforesaid petitions.

On motion, by order, the said petitions and resolution of the House of Assembly were read.

Mr. Craghead, being returned, reported that he had delivered the papers committed to his charge, according to order.

On motion, some amendments were agreed to to the resolution of the Assembly for appointing a committee on the above mentioned petitions, and being transcribed,

Ordered, That Mr. William Polk wait on the Assembly and deliver the same.

On motion, by order,

The bill entitled "A further supplement to an act entitled 'An act for the better regulation of servants and slaves,' " was read a second time. Referred to further consideration.

Mr. Polk, being returned, reported that he had delivered the papers committed to his charge, according to order.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present all the members.

Mr. Manny, a member of Assembly, attending, was admitted and returned to the Chair the resolution of the House Assembly respecting the appointment of a committee on the petitions concerning the bridge over Mispillion Creek, with the amendments of Council to which that House had agreed, which was concurred in by Council, and Mr. William Polk is appointed as one of the committee on the part of the Council; which resolution follows in these words:

IN THE HOUSE OF ASSEMBLY,
January 25th, 1785.

The House having taken into consideration the petition from divers inhabitants of this State, praying that a law be enacted for erecting a bridge over Mispillion Creek, near the upper landing on the said Creek,—and also the petition from divers inhabitants of the Counties of Kent and Sussex, praying that the waters of navigible creeks may not be obstructed by bridges being built over the same, and especially that no bridge may be permitted to be built over Mispillion Creek, near Oliver and Cropper's landing,

Resolved, That a committee of the General Assembly, consisting of three, be appointed, to whom the said petitions be referred, and who are hereby directed to go upon the premises aforesaid, and if, upon viewing the same, they shall be of opinion that a bridge erected over Mispillion Creek, as aforesaid, will be of public utility, they shall ascertain the place where, and the manner how, the same shall be erected; and that the said committee report their opinion thereon fully at the next sitting of the General Assembly.

The members appointed on the part of this House are Mr. Revell and Mr. Bradley.

Extract from the minutes. JAS. BOOTH,
Sent for concurrence. *Cl'k of Assembly.*

In the Legislative Council, January 26th, 1785, read and concurred in.

The member appointed on the part of the Council is Mr. William Polk.

JAMES SYKES, *Cl'k Leg. Council.*

On motion, Council took into consideration the bill entitled "An act for calling in and destroying such of the Bills of Credit, emitted by virtue of any laws of this State passed under the present or former Government thereof, as are now outstanding, &c.," and after some debate thereon, is referred to further consideration.

Adjourned to ten o'clock to-morrow morning.

THURSDAY, January 27th, A. M.

Council met. Present all the members, and resumed the consideration of the last mentioned bill, and, on motion, the question was put, "Shall the bill now under consideration be committed?" and it passed in the affirmative.

On motion, that the yeas and nays on this question should be entered, was ordered accordingly, and are as follows, to wit:

For the affirmative—Mr. Loockerman, Mr. Snow, Mr. Joshua Polk, Mr. W. Polk, Mr. Neill, Mr. Craghead.

For the negative—Mr. Read, Mr. Bassett.

On motion that the said bill shall be committed to a committee of three, the members appointed are: Mr. William Polk, Mr. Snow, and Mr. Craghead.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met.

The committee to whom the last mentioned bill was committed, reported that they had made some progress therein, but required further time to perfect the same; which was granted.

Adjourned to 10 o'clock to-morrow morning.

FRIDAY, January 28th, A. M.

Council met. Present all the members.

Mr. Nixon, a member of Assembly, attending, was admitted and delivered to the Chair a resolution of that House for appointing a committee of conference on the bill for establishing a Militia.

Ordered to lie on the table.

Mr. Raymond, a member of Assembly, attending, was admitted and delivered to the Chair a bill entitled "An act for recovery of monies received under the late Militia law."

Ordered to lie on the table.

On motion, for leave to bring in a bill for vesting in Trustees, for the use therein mentioned, the title of the school house and lot whereon the same is erected, and an adjoining lot in the Town of Dover, the same is granted, and Mr. Bassett laid a bill on the table for that purpose.

Ordered to lie on the table.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present all the members.

On motion,

The bill entitled "An act for vesting the school house and lot of ground whereon the same is built, together with another lot of ground contiguous thereunto in the Town of Dover, in Trustees for the use therein mentioned," and the several papers referred to therein, were read the first time.

Ordered to lie on the table.

On motion, Council resumed the consideration of the bill entitled "An act for the support of non-commissioned officers, private soldiers, warrant officers, marines, and seamen, &c.," and sundry amendments were proposed and agreed to.

Ordered, That the amendments aforesaid be transcribed and sent to the House of Assembly for concurrence.

The gentlemen to whom the bill for destroying the Bills of Credit, &c., was committed, now reported that they had essayed sundry amendments to the same, which they laid on the table and submitted to the correction of the House.

Ordered that the same be read.

On motion, by order,

The bill entitled "A supplement to an act concerning servants and slaves," was read, by paragraphs, and upon the question on the enacting clause, "Do Council agree to the same?" it passed in the negative.

On motion, by order,

The resolution of the House of Assembly for appointing conferees on the subject matter of the amendments proposed by Council to the bill for establishing a Militia, was read, and follows in these words, viz:

IN THE HOUSE OF ASSEMBLY,
January 28th, 1785.

The House resumed the consideration of the amendments proposed to the bill entitled "An act for establishing a Militia," and thereupon

Resolved, That it be proposed to the Council that a committee be appointed by each House to confer on the subject matter of the said amendments.

The conferees appointed on the part of this House are: Mr. Peery, Mr. James, and Mr. Taylor.

Extract from the minutes. JAS. BOOTH,

Sent for concurrence. *Cl'k of Assembly.*

Concurred in by Council. Gentlemen appointed on the part of the Council: Mr. Snow, Mr. Neill, and Mr. Joshua Polk.

Ordered, That Mr. Bassett wait on the House of Assembly with the appointment of a committee upon the petitions for and against the building a bridge over Mispillion Creek, &c.; the resolution of Assembly for appointing conferees on the subject matter of the bill for establishing a Militia; the bill for the support of non-commissioned officers, private soldiers, &c., with the amendments proposed and agreed to by Council.

On motion, ordered

That Mr. William Polk wait on the House of Assembly with the following verbal message:

A VERBAL MESSAGE FROM THE COUNCIL TO THE HOUSE OF ASSEMBLY.

That the Council request to know from the honorable House of Assembly, whether any reports have been made and returned to their House, in virtue of the act for stating the accounts of the several Loan-Offices, and of commissioners into whose hands any public monies have come by virtue of laws passed under the former government, &c., passed the 12th February, 1781; and if any such, the Council request, that the House of Assembly may order the same to be delivered to Council for their information as to parts of the bill, entitled, "An act for calling in and destroying

such of the bills of credit emitted by virtue of any law of this State, passed under the present or former government thereof, as are now outstanding, and for other purposes therein mentioned," sent up by the House of Assembly, and now before the Council for consideration and concurrence.

Adjourned to ten o'clock to-morrow morning.

SATURDAY, January 29th, A. M.

Council met. Present all the members.

Mr. Polk, being returned, reported he had delivered the verbal message, according to order.

On motion, by order,

The bill entitled "An act for vesting the school house and lot in the Town of Dover in Trustees, &c.," was read a second time. Ordered to be postponed.

Mr. Gordon, a member of Assembly, attending, was admitted and delivered to the Chair a return of the settlement of the Loan Office accounts of Kent and Sussex, accompanied with a verbal message, which follows in these words, viz:

A VERBAL MESSAGE FROM THE HOUSE OF ASSEMBLY TO THE COUNCIL.

Gentlemen:

In answer to your verbal message, received this day, the House of Assembly inform the honorable the Council, that the committee appointed by the act of the twelfth of February, 1781, have reported their settlements of the Loan-Office accounts for the Counties of Kent and Sussex, but that no report respecting that business in the County of New Castle hath been received. The two reports that have been made, which are now sent to the Council for their information, have not been acted upon by this House.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present all the members.

On motion, by order,

The bill entitled "An act for destroying the Bills of Credit emitted by virtue of any law of this State, &c., with the amendments thereto agreed by the committee appointed for that purpose, were read, and after some time spent in the consideration thereof, is referred to three o'clock on Monday afternoon.

Mr. Smith, a member of Assembly, attending, was admitted and delivered to the Chair the bill for the support of non-commissioned officers, &c., with a paper of amendments proposed by the House of Assembly thereto.

Adjourned to 3 o'clock on Monday next, P. M.

MONDAY, January 31st, P. M.

Council met. Present all the members.

Agreeable to the order of the day, Council resumed the consideration of the bill for destroying the Bills of Credit emitted by virtue of any law of this State, &c., and the first enacting clause being read, as amended, the question was put, after the same had been debated, "Do Council agree to the same?" and it passed in the affirmative.

For the affirmative—Mr. Neill, Mr. William Polk, Mr. Joshua Polk, Mr. Craghead, Mr. Loockerman, and Mr. Snow.

For the negative—Mr. Read, Mr. Bassett.

Adjourned to 10 o'clock to-morrow morning.

TUESDAY, February 1st, A. M.

Council met. Present all the members, and resumed the consideration of the bill for destroying the Bills of Credit emitted by virtue of any law of this State, &c., and after some time spent therein, is referred till the afternoon.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present all the members, and resumed the consideration of the last mentioned bill, and sundry amendments were proposed and agreed thereunto, and the further consideration thereof postponed until to-morrow morning.

Adjourned to 10 o'clock to-morrow morning.

WEDNESDAY, February 2d, A. M.

Council met. Present all the members, and resumed the consideration of the last mentioned bill; and the amendments, being transcribed, were compared, and the question was put, and the said bill is passed.

Ordered, That Mr. Neill wait on the House of Assembly with the said bill and the amendments of Council thereunto, for the concurrence of that House.

Mr. Bradley, a member of Assembly, attending, was admitted and delivered to the Chair a bill entitled "An act for the regulation of certain water grist-mills on Brandywine Creek, New

Castle County;" certain resolutions of that House for printing 400 copies of the Laws of this State, and a proposition for filling up the blank in the said resolutions with the names of George Read, William Killen, and James Booth, Esquires; which, by order, were severally read.

On application of Mr. William Polk for leave of absence the remaining time that Council may sit, the same is granted.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present all the members, except Mr. William Polk.

Mr. James, a member of Assembly, delivered to the Chair a paper, sent from the House of Assembly, proposing to fill up the blanks in the bill for calling in and destroying the Bills of Credit, &c., with the names of John Stockton for New Castle County, Eleazar McComb for Kent County, and Joseph Hall for Sussex County, as Trustees of the respective Loan Offices; which, by order, was read.

On motion, by order,

The bill entitled "An act for the regulation of certain water grist-mills on Brandywine Creek, in New Castle County," was read a second time.

Referred under consideration until to-morrow morning.

Mr. Douglass, a member of Assembly, attending, was admitted and delivered to the Chair two reports of the Auditor of Accounts, the one of 26th, and the other of 27th January, with some amendments proposed by the House of Assembly to one of these reports; Mr. Henry Neill's accounts, and a resolution expressing the time of the intended adjournment of that House; which, by order, were severally read.

Adjourned to 10 o'clock to-morrow morning.

THURSDAY, February 3d, A. M.

Council met. Present the same members as yesterday.

Mr. Waples, a member of Assembly, attending, was admitted and delivered to the Chair a report of the Auditor of Accounts of this day

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present the same members, and went into the consideration of the resolution of the House of Assembly respecting the appointing of commissioners for collecting and printing the Laws of this State, and sundry amendments were agreed to, and George Reed and James Booth, Esquires, proposed as commissioners.

Ordered, That Mr. Neill wait on the House of Assembly with the above mentioned papers;

Who, being returned, reported he had delivered them, according to order.

Adjourned to 10 o'clock to-morrow morning.

FRIDAY, February 4th, A. M.

Council met. Present the same members as yesterday.

On motion, ordered,

That Mr. Craghead and Mr. Snow attend at the Auditor's office with the reports by him presented to the General Assembly, and there examine the vouchers in support of the charges therein reported, and make report of their proceedings to the Council.

The gentlemen, being returned, reported that they had attended at the Auditor's office, according to order, and had examined the vouchers respecting the reports of the sums due to the Whig Battalion, and of those concerning Mr. Neill's Battalion, for both which the vouchers were sufficient, and that they are properly chargeable to the United States; that with respect to the report there was sufficient vouchers for the several accounts therein exhibited by the Auditor.

Mr. Mitchell, a member of Assembly, attending, was admitted and returned the proposition for filling up the blank in the resolutions for printing the laws, disagreed to by the Assembly; also the resolutions thereon, and amendments of Council, to several of which the House of Assembly had disagreed.

Council took into consideration the bill for regulating the water grist-mills in the County of New Castle, and agreed to sundry amendments, which were transcribed and compared.

Ordered, That Mr. Joshua Polk wait on the House of Assembly and deliver the said bill, with the proposed amendments of Council thereunto.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present the same members.

On motion, Council went into the consideration of the bill entitled "An act for the recovery of the monies received under the late Militia law of this State," and after some amendments made and agreed to, the same was transcribed.

Ordered, That Mr. Bassett wait on the House of Assembly with the last mentioned bill and amendments of Council;

Who, being returned, reported he had delivered them, according to order.

Mr. Broom, a member of Assembly, attending, was admitted

and delivered to the Chair a resolution for the payment of sundry debts; a resolution for the payment of $185\frac{60}{90}$ dollars to George Craghead, with a memorial of the said George Craghead, and a certificate, signed by Joseph Noarn, Register, specifying the said sum due to the said George Craghead, dated 8th December, 1781; which, by order, were severally read.

Ordered, That Mr. Snow wait on the House of Assembly with the resolutions of that House respecting the printing the Laws, with the further amendments proposed by Council thereunto, and the proposition for filling up the blank in said resolution with the names of the commissioners therein acceded to by Council;

Who, being returned, reported he had delivered the papers, according to order.

Mr. James, a member of Assembly, attending, was admitted and delivered to the Chair the bill for regulating water grist-mills in the County of New Castle, with the amendments of Council and some amendments proposed by the House of Assembly to those of Council, to which amendments of the Assembly Council agreed to. Sent to the Assembly by Mr. Neill.

Mr. Gordon, a member of Assembly, attending, was admitted and returned the resolution of that House for printing the Laws of this State, with amendments of Council sent to the House of Assembly, and a proposition for filling up the blank in said resolution with the names of the commissioners, to which amendments of Council the House of Assembly had agreed.

Mr. Clark, a member of Assembly, attending, was admitted and delivered to the Chair a report of the Auditor of Accounts, that there is due to James Wilson, Esq., of Philadelphia, for presenting this State's claim of the schooner Fortune before the Committee of Appeals appointed by Congress, the sum of £30; to William Clark, Esq., £1 : 3 : 11, for an order drawn by the Speaker of the House of Assembly on the State Treasurer, dated 16th April, 1780, for £51 Continental money.

Read and concurred in, and ordered to be signed by the Speaker.

On motion, Council took into consideration the accounts reported by the Auditor of the 27th January, 1785, and the amend-

ments proposed by the House of Assembly thereto, and agreed to the same, and the several accounts therein reported are agreed to.

Ordered, That Mr. Craghead wait on the House of Assembly with the general accounts of the Auditor, and their amendments thereto, and also deliver at the same time the Loan Office accounts of Kent and Sussex.

Adjourned to 10 o'clock to-morrow morning.

SATURDAY, February 5th, A. M.

Council met. Present the same members as on yesterday.

Mr. Nixon, a member of Assembly, attending, was admitted and delivered to the Chair the Auditor's general account, with the amendments proposed by that House thereto, and the amendments proposed by Council to the amendments of Assembly, which were agreed to by that House.

The several reports of the Auditor, and the resolutions of the House of Assembly thereupon, were now considered and agreed to.

Ordered, That the Speaker sign the same; which was accordingly done.

Ordered, That Mr. Craghead wait on the House of Assembly and return the above mentioned papers and the resolutions respecting the printing the Laws, as agreed to by Council;

Who, being returned, reported that he had delivered the papers according to order.

Mr. Peery, a member of Assembly, attending, was admitted and returned the papers last mentioned, sent to that House by Mr. Craghead, with the amendments proposed by Council to the resolution respecting the Clothier, which the House of Assembly had agreed to.

Ordered, That Mr. Loockerman wait upon the House of Assembly and return the above papers to that House;

Who, being returned, reported he had delivered the papers according to order.

Mr. James, a member of Assembly, attending, was admitted and delivered to the Chair a resolution of that House in the following words, viz:

IN THE HOUSE OF ASSEMBLY,
February 5, 1785.

On motion,

Resolved, That an order be drawn by the Speakers of both Houses on the State Treasurer for the payment of fifty pounds to his Excellency, the President, for defraying of his expenses during his attendance on the General Assembly now and heretofore.

JAS. BOOTH, *Cl'k of Assembly.*

Sent for concurrence.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present the same members, and went into the consideration of the resolutions of the House of Assembly respecting the payment of sundry debts due from the public, and sundry amendments were proposed and agreed to.

Ordered, That they be transcribed and sent to that House for consideration and concurrence.

Mr. Mitchell, a member of Assembly, attending, was admitted and delivered to the Chair the several bills passed at this sitting, signed by the Speaker of Assembly.

Ordered, That the three laws returned to Council be now signed by the Speaker; which was done accordingly.

Ordered, That Mr. Joshua Polk wait on the House of Assembly and return the resolutions of that House respecting the payment of certain public debts, with the amendments of Council thereto, and the resolution of the House of Assembly for the payment to his Excellency, the President, the sum of £50, which was agreed to by Council;

Who, being returned, reported he had delivered the papers committed to his charge, according to order.

Mr. James, a member of Assembly, attending, was admitted, and returned the resolutions of that House with respect to the payment of certain public debts, and the amendments of Council thereto, all of which were disagreed to, but the first.

Council proceeded to ballot for Trustees of the Loan Offices of the respective Counties in this State, in order to fill up the the blanks in the bill for calling in and discharging the bills of credit, and upon casting up the polls it appeared that the following persons were choosen by a majority of votes, viz: For the County of New Castle, John Stockton; for the County of Kent, George McCall; and for the County of Sussex, Joseph Hall.

Ordered, That Mr. Craghead wait on the House of Assembly and return the resolutions of that House concerning the payment of certain public debts, with amendments of Council disagreed to by the Assembly and adhered to by Council; also an agreement of Council to the two persons proposed by that House for Trustees of the Loan Offices of New Castle and Sussex Counties, and proposition of George McCall, for Trustee of the Loan Office of Kent County; as also the several laws now passed, together with a resolution for affixing the Great Seal to the said laws, passed this sitting, the titles of which are as follows, viz:

First. "An act to empower the President to appoint suitable persons to preside in the several Courts of General Quarter Sessions of the Peace in this State;"

Secondly. "An act to increase the daily allowance to Grand and Petit Jurors and Witnesses;"

Thirdly. "A supplement to an act entitled 'An act for the more easy and speedy recovery of small debts;'"

Fourthly. "An act to enable the owners and possessors of the meadow, marsh and cripple, on Cedar Creek, in Red Lion Hundred, in the County of New Castle, to erect a new bank in part, and to keep the residue of the old bank, dams, sluices and floodgates in repair, and to raise a fund to defray the expense thereof;"

Fifthly. "An act for the support of the non-commissioned officers, private soldiers, warrant officers, marines and seamen, citizens of this State, who, in the course of the late war, have been maimed, or disabled from getting a livelihood;"

Sixthly. "An act for calling in and destroying such of the Bills of Credit emitted by virtue of any law of this State, passed under the present or former government thereof, as are now outstanding, and for other purposes therein mentioned;"

Seventhly. "An act for the regulation of certain water-grist-mills in New Castle County;"

Eighthly. "An act for the recovery of monies received under the late Militia law."

Also a verbal message, concerning the resolution aforesaid and the adherence of Council to their amendments to the same, which message follows in these words:

Gentlemen:

Council have adhered to their amendments proposed to your honorable House, and herewith returned, and should have assigned their reasons for the same, did time permit; but are doubtful, from the verbal message received this evening, that the House are not disposed to sit until the reasons actuating Council to propose and adhere to their amendments could possibly be stated on paper.

Who, being returned, reported that he had delivered the same according to order.

Mr. Peery, a member of Assembly, attending, was admitted and returned the proposition of George McCall for Trustee of the Loan Office of Kent County, disagreed to by that House, and proposing Simon Wilmer Wilson.

On motion, an order was drawn on the State Treasurer in

favor of George Craghead, Esq., for the sum mentioned in the resolution of Assembly, concurred in by Council, and was signed by the Speaker and sent to the House of Assembly by Mr. Craghead.

Ordered, That Mr. Joshua Polk wait on the House of Assembly with the proposition of Simon Wilmer Wilson for Trustee of of the Loan Office for Kent County, which was acceded to by Council;

Who, being returned, reported that he had delivered the same according to order.

Mr. Smith, a member of Assembly, attending, was admitted and delivered to the Chair the bill for calling in and destroying the Bills of Credit emitted by this State, signed by the Speaker of that House, and a warrant to affix the Great Seal to the several laws passed this sitting.

The bill entitled "An act for calling in and destroying the Bills of Credit of this State," was compared and signed by the Speaker.

Ordered, That Mr. Neill wait on the House of Assembly and return the last mentioned papers.

The Speaker of the House of Assembly delivered to the Speaker of Council notice of the adjournment of the House of Assembly to the 16th day of May next.

Council therefore adjourned to the said 16th day of May next.

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VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

ADJOURNED SESSION, MAY, 1785.

MONDAY, May 16th, 1785.

A sufficient number of the members not having met to form a quorum on that day, they adjourned from day to day until Tuesday, the 24th of the same month, when there appeared as follows:

For New Castle County—Thomas McDonough, Speaker, Geo. Craghead.

For Kent County—Richard Bassett, Vincent Loockerman, Silas Snow.

For Sussex County—William Polk, Joshua Polk.

Mr. Craghead laid on the table a memorial, signed by James Adams, of the borough of Wilmington, in the County of New Castle, printer, which, on motion, by order, was read; and set forth that he had frequently done printing business for the General Assembly; that great part of the amount thereof was still unpaid, and desiring immediate payment of the same; and it is therein further set forth that he is desirous of undertaking the printing the laws of this State, lately resolved by the General Assembly to be revised and printed; and that he will perform the same on as reasonable terms as any other person whatsoever.

Ordered to lie on the table.

Adjourned to ten o'clock to-morrow morning.

WEDNESDAY, May 25th, P. M.

Council met. Present the same members as yesterday, except Mr. Bassett.

Adjourned to 10 o'clock to-morrow morning.

THURSDAY, May 26th, A. M.

Council met. Present the same members as yesterday.

Adjourned to three o'clock this afternoon.

EODEM DIE, P. M.

Council met. Present the same members.

On motion, that agreeable to the Constitution, or system of Government, it was necessary to remove one of the members of the Privy Council, last appointed by Council, as two years had elapsed since that appointment, and to put persons in nomination that one may be chosen to fill up the place of the Councillor so removed, which being seconded, Council proceeded, by ballot, to determine which of those two last appointed should be removed, and, upon reading the polls, it appeared that John Lea was unanimously removed, and the persons to be put in nomination to supply the vacancy is referred until to-morrow.

Adjourned until 10 o'clock to-morrow morning.

FRIDAY, May 27th, A. M.

Council met. Present the same members, and Mr. Henry Neill, who appeared, was excused for his absence, and took his seat.

Agreeable to the order of the day, Council proceeded to put in nomination persons to fill the vacancy of a Privy Councillor, and the following gentlemen were put in nomination, viz :

By Mr. Craghead—Capt. James Black, Capt. John Garratt.
By Mr. Loockerman—Alexander Porter.
By Mr. Bassett—James Sykes;

And that in the afternoon Council will proceed to ballot from the above nominations.

The Speaker laid on the table a petition, signed by Benjamin Williams, owner of a grist-mill, at Noxonton, in New Castle County, complaining of the great hardship and inconvenience of his being called upon to support and repair a bridge, on the upper road from New Castle to Dover, at the head of said mill-pond, which he thinks ought to be maintained by the public, as a bridge would be equally necessary were there no mill at the place aforesaid, and praying relief in the premises, from the Legislature of this State, which, together with certificates signed by a number of respectable inhabitants of New Castle County, setting forth that the prayer of the petitioner is, in their opinion, reasonable, and that he ought not to be burdened with any expense relative to the said bridge, more than any other taxable of the said County; which, on motion, by order, were read.

Ordered to lie on the table.

Adjourned to 3 o'clock this afternoon.

EODEM DIE, P. M.

Council met. Present the same members, and proceeded to ballot for a Privy Councillor, agreeable to the order of the forenoon, and the votes having been received by the Speaker, read and polled, it appeared that Major James Black was elected by a majority of votes, and he is declared duly elected Privy Councillor in the room of John Lea.

Adjourned to 10 o'clock to-morrow morning.

SATURDAY, May 28th, A. M.

Council met. Present the same members, except Mr. Snow and Mr. Joshua Polk.

Mr. Nixon, a member of the House of Assembly, attending, was admitted and delivered to the Chair an order of that House appointing Mr. Kollock one of the committee of conference on the subject matter of the disputed amendments proposed to the bill entitled "An act for establishing a Militia," in the room of Mr. Peery, who is absent; also a message from the President, accompanied with sundry resolutions of Congress, and letters; which, by order, were severally read.

Mr. Douglass, a member of the House of Assembly, attending, was admitted and delivered to the Chair the bill entitled "An act for establishing a Militia," with the amendments proposed by Council thereto, and the report of the committee of conference thereon; which report, by order, was read. Left under consideration.

Mr. Neill desired leave of absence during the present sitting, having a vessel ready to sail, on board of which he purposes going to sea; which is granted.

Mr. Bassett desired leave of absence for a few days, having urgent business in Maryland; which is granted.

Adjourned to Monday morning, 10 o'clock.

MONDAY, May 30th, P. M.

Council met. Present the same members as on Saturday, except Mr. Bassett, Mr. Neill, and Mr. Snow.

On motion, ordered,

That the report of the committee of conference on the subject matter of the bill entitled "An act for establishing a Militia," be again read, which being done accordingly, and the question put, "Do Council agree to the said report?" it passed in the affirmative.

On motion of Mr. Loockerman, that the yeas and nays on the above question should be entered, it is ordered accordingly.

For the affirmative—Mr. William Polk, Mr. Craghead, Mr. Joshua Polk.

For the negative—Mr. Loockerman.

Ordered, That Mr. William Polk wait on the House of Assembly and deliver the last mentioned bill, with the report of the committee of conference, to which Council had agreed;

Who, being returned, reported he had delivered them according to order.

Mr. Mitchell, a member of the House of Assembly, attending, was admitted and delivered to the Chair a supplementary bill to the act for regulating the wharves, &c., at Wilmington, accompanied by a petition from sundry inhabitants of said borough; which, by order, were read.

Ordered to lie on the table.

Mr. William Polk laid on the table a bill entitled "An act to repeal an act entitled 'An act directing the punishment of petty larceny, and for other purposes therein mentioned;'" which, by order, was read.

On motion, by order,

The bill for regulating the wharves, public streets, &c., in the Borough of Wilmington, was read a second time.

Ordered to lie on the table.

Adjourned to 10 o'clock to-morrow morning.

TUESDAY, May 31st, A. M.

Council met. Present the same members as on yesterday.

On motion,

The bill entitled "A supplement to the act entitled 'An act for the better regulating the wharves, public streets, buildings, party walls and partition fences in the Borough of Wilmington, in the County of New Castle, upon Delaware, and for raising money on the inhabitants of the said borough for the public use and benefit thereof,' " was read, by paragraphs, and the question being severally put on each paragraph, they were agreed to by Council, and the bill will pass.

Ordered, That Mr. Snow wait on the House of Assembly with the last mentioned bill and deliver the same, with the petition that accompanied it, to that House;

Who, being returned, reported that he had delivered the papers committed to him, according to order.

On motion,

The bill entitled "An act to repeal an act entitled 'An act directing the punishment of petty larceny, and for other purposes therein mentioned,' " was read a second time.

Ordered to lie on the table.

Adjourned to 3 o'clock this afternoon.

EODEM DIE, P. M.

Council met. Present the same members.

On motion,

The bill entitled "An act to repeal an act entitled 'An act directing the punishment of petty larceny, and for other purposes therein mentioned,' " was read by paragraphs, and the questions being severally put, was agreed to by Council, and the bill will pass.

Ordered, That Mr. Joshua Polk wait on the House of Assembly with the said bill for concurrence, and also at the same time deliver to that House the petition of Benjamin Williams concerning the bridge over the head of his mill pond;

Who, being returned, reported he had delivered the papers committed to his charge, according to order.

Adjourned to 10 o'clock to-morrow morning.

WEDNESDAY, June 1st, A. M.

Council met. Present the same members as yesterday.

Mr. Nixon, a member of Assembly, attending, was admitted and delivered to the Chair a bill entitled "An act for raising £10,500 for the service of the year 1785."

On motion, by order, the said bill was read the first time.

Mr. Douglass, a member of Assembly, attending, was admitted and delivered to the Chair the bill for repealing the act directing the punishment of petty larceny, &c., to which the House of Assembly had agreed.

Ordered that the said bill be engrossed.

Adjourned to 3 o'clock this afternoon.

EODEM DIE, P. M.

Council met. Present the same members.

The last mentioned bill, being engrossed, was compared.

Ordered, That the same be signed by the Speaker; which was done accordingly.

Mr. Broom, a member of the House of Assembly, attending, was admitted and delivered to the Chair the report of a committee appointed by the General Assembly, on the 21st June, 1783, to settle and adjust the accounts of the Loan Office of Kent County so far as related to the estate of John Vining, Esquire, dec'd, signed by Thomas Collins, John Cook and John Clowes, dated April 19th, 1784, with the addition of the Auditor of Accounts to that committee at the time of the report being made; which, being read and considered by Council, the appointment of the Auditor of Accounts is concurred in.

Ordered, That Mr. Craghead wait on the House of Assembly and deliver the said report, concurred in by Council;

Who, being returned, reported he had delivered the report, according to order.

Mr. William Polk laid on the table a petition, signed by nine inhabitants of Sussex County, who represent that they suffer great inconvenience from a road line through a parcel of marsh in Cedar Creek Hundred, and praying that a law may pass the General Assembly to permit the petitioners to erect a gate on said road, to prevent the inconvenience complained of.

On motion, by order, the said petition was read.

On motion, by order,

The bill entitled "An act for raising £10,500, for the service of the year 1785, was read the second time.

[The remainder of the Journal of the Council for the year 1785

is missing. As shown by the proceedings of the House of Assembly, both houses adjourned on the 6th of June until the 30th day of September. A session of the General Assembly was convened on the twentieth day of October, 1785, and continued until the 5th day of November, when an adjournment took place until the 3d day of January, 1786. The following papers belong to this period] :

Paper sent to the Council, Friday, June 3d, 1785, by the House of Assembly, with a resolution for the payment of £135 : 5s. to the representatives of Thomas Stroud, deceased :

The Auditor of Accounts, having examined the papers accompanying the petition of Thomas Stroud to the General Assembly, which were referred to him, begs leave to report: That it appears to him a vessel belonging to the petitioner was taken or hired by the then President of the State to receive on board the papers of the Continental Loan Office of this State and the records of New Castle County, together with some valuable private property, in order to preserve them from falling into the hands of the enemy, then on their march from the Head of Elk to Philadelphia; that the said vessel, with the above mentioned papers, records, and property on board, lying under the guns of the fort near Wilmington, was taken by the enemy on the morning of the 13th of September, 1777, and received so much damage while in their possession that it cost the petitioner upwards of one hundred and ninety-one pounds ten shillings to repair her, which, together with £15 charged for five days' hire, amounts to the sum of two hundred and six pounds twelve shillings and ten pence, for which he prays to be reimbursed by the State.

The Auditor has taken some pains to obtain the necessary information relative to this business, but has not succeeded to his wish. He therefore prays to be excused from hazarding his single opinion, and to refer the case of the widow (the petitioner having lately departed this life) to the wisdom of the Legislature. One thing he will venture to mention, that as the vessel in question was taken up as well for the purpose of preserving the papers of the Loan Office as the records of New Castle County, the allowance, if any is made, ought, in his opinion, to be paid and borne equally between this State and the United States.

June 3d, 1785. E. McCOMB, *Auditor of Accounts.*

Message from the Council received in the House of Assembly, June 4, 1785:

Gentlemen:

The Council received the last evening their amendments proposed by them to the bill entitled "An act for the suppression of public marts or fairs," some of which are acceded to and others rejected by your honorable House, and having reconsidered their amendments, still retain the highest sense of their propriety, both on account of their tendency to shorten the bill and preserving the propriety of expression; therefore Council wish your honorable House to reconsider the proposed amendments. But if your House cannot consider the same in the light Council do, and as they conceive the bill necessary and useful, and the object of both Houses, we presume, the same, rather than it should be lost, will recede from their proposed amendments.

List of engrossed bills, to which the Great Seal was ordered to be affixed, by resolution of the House of Assembly, and sent to the Council for concurrence June 4, 1785:

"An act for raising ten thousand five hundred pounds for the service of the year one thousand seven hundred and eighty-five;"

"A supplement to the act entitled 'An act for the better regulating the wharfs, public streets, buildings, party-walls and partition-fences, in the Borough of Wilmington, in the County of New Castle, upon Delaware, and for raising money on the inhabitants of the said borough, for the public use and benefit thereof;' "

"An act to prevent the issuing the writ of *capias ad satisfaciendum*, in certain cases;"

"An act to enable Joseph Oliver, of the County of Kent, his heirs, executors, or administrators, to erect a bridge over Mispillion Creek;"

"An act to repeal an act entitled 'An act directing the punishment of petit-larceny, and for other purposes therein mentioned;'"

"An act for the suppression of public marts or fairs;"

"An act for establishing a Militia."

Messages from his Excellency Nicholas Vandyke, President:

Gentlemen of the General Assembly:

The Secretary will lay before you sundry acts of Congress, which I have received subsequent to the adjournment of the late General Assembly.

The requisition of Congress for this State's computed quota of three million dollars, demanded from the United States, is an object, which, from its importance, requires your earliest attention. The purposes to which this sum is to be applied, and the reason of the demand, are clearly specified in the requisition; and I trust it will be unnecessary to urge any arguments in favor of complying with a measure, the obvious consequence of which is the establishment of foreign and domestic credit.

I beg leave to call your attention to an act of Congress, of the 30th of April, 1784, recommending to the States to vest the United States, in Congress assembled, with powers competent to the protection of commerce, the situation of which claims the attention of the several States, and few objects of greater importance can present themselves to their notice. Without investing the grand council of the empire with such powers, we can never command reciprocal advantages in trade, or restrain such foreign commerce as may not be founded upon principles of equality.

It will appear, from many of the papers now laid before you, that Congress urge in the strongest manner, and with the most forcible reasons, the importance and necessity of a constant representation of the different States, and that each State should be represented, at all times when Congress are sitting, by three members. The dignity and interest of this State, as well as of the Union, are materially concerned in a constant and full representation, and I hope your Honors will take this matter into your serious consideration.

I must also recommend your attention to the other papers transmitted, a compliance with which will tend to promote federal confidence and prosperity.

NICHOLAS VANDYKE.

Dover, October 27, 1785.

Gentlemen of the General Assembly:

I have this day received, and directed to be laid before you by the Secretary, a letter from the Secretary for Foreign Affairs, dated the 10th instant, accompanied by information that the Regency of Algiers have declared war against the United States of America; and also two other letters, one from the Secretary of Congress, and the other from the Board of Treasury. The first of these is accompanied by an act of Congress of the 12th instant, by which the several States are earnestly called on to complete, without delay, the whole of their quotas of the requisitions of September, 1782, and April, 1784. The other contains accounts of the balances due on the requisitions of Congress, of the 30th of October, 1781, and the 4th of September, and the 16th of October, 1782.

The General Assembly will hereby be enabled to discover what exertions are necessary to be made, on the part of this State, for the important purpose of effectually supporting foreign and domestic credit; an object which, from its extensive consequence to all the States in the Union, I recommend to your serious consideration.

NICHOLAS VANDYKE.

Dover, October 28, 1785.

Minutes of a meeting of both Houses of the General Assembly, held November 4, 1785:

The Council and House of Assembly met in the Council Chamber, agreeable to the order of the day, and proceeded, by joint ballot, to the election of Delegates to represent this State in the Congress of the United States of America until the first Monday in November in the year one thousand seven hundred and eighty-six, and the box containing the ballots being examined by the Speakers of both Houses, in the presence of the members, the Honorable Gunning Bedford, Junior, John Vining, John Patten, Thomas Rodney, and William Peery, Esqs., are declared duly elected.

MINUTES OF COUNCIL.

1786.

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

[The manuscript of the Minutes of the Council for the session commencing January 3, and ending February 3, 1786, is not in the State archives. From the printed Journal of the House of Assembly it is found that the session was adjourned to the 23d of May. The following is a list of the acts passed during the October and January sessions] :

1. "An act for the more effectual preservation of all such ships, or other vessels, and the goods thereof, as shall be forced on shore or stranded upon the coasts of this State, and for other purposes therein mentioned;"

2. "An act to supply the defect occasioned by the loss of certain articles of agreement made between John Brinkle, late of Kent County, since deceased, and James Partridge, of New Castle County, for the exchange of their lands, &c., in the respective counties aforesaid;"

3. "An act to enable the present Trustee of the Loan Office of New Castle County to convey unto Joseph Dickinson, of the said county, his heirs and assigns, a certain tract or parcel of land purchased by the said Joseph of the late Trustees of the said office;"

4. "An act for the recovery of the sum of one thousand five hundred and fifty-three pounds eighteen shillings and six pence, due from the estate of John Vining, Esquire, deceased, formerly one of the Trustees of the Loan Office for the County of Kent;"

5. "An act for the appointment of rangers and regulation of strays;"

6. "An act to enable the owners and possessors of the tract of meadow, marsh and cripple, situate at Swanwick, in the Hundred and County of New Castle, to keep the banks, dams, canals, sluices and flood-gates in repair;"

7. "An act for devising and establishing seals to be made use of by divers officers in the respective Counties of this State;"

8. "An act to incorporate the President, Directors and Company of the Bank of North America;"

9. "An act to invest the United States, in Congress assembled, with powers for the regulation of commerce for the term of fifteen years;"

10. "An act for continuing the powers of sundry Collectors;"

11. "An act to establish certain free ports within the Delaware State and for the encouragement of commerce."

MEMBERS' NAMES.

FOR NEW CASTLE COUNTY:

THOMAS McDONOUGH, GEORGE CRAGHEAD, GEORGE READ.

FOR KENT COUNTY:

SILAS SNOW, JAMES TILTON, JOHN BANING.

FOR SUSSEX COUNTY:

JOSHUA POLK, HENRY NEILL, DANIEL POLK.

STEPHEN SYKES, *Clerk Pro. Tem.*

VOTES AND PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL,

HELD AT DOVER, MAY 29TH, A. D. 1786.

A sufficient number of members to compose a House not attending, the Council adjourned from day to day until Friday, the second day of June, 1786.

FRIDAY, 2d June, 1786, A. M.

The following members appeared in Council, viz:

For New Castle County—Thomas McDonough, George Craghead.

For Kent County—Silas Snow, James Tilton, John Baning.

And the said members being so met, it appearing that the Clerk of the Council, James Sykes, Esq., from his indisposition, was unable to attend at this time, the Council proceeded to the choice of a Clerk *pro tempore*, and Stephen Sykes was unanimously chosen.

Stephen Sykes appeared in the Council, took the oath and subscribed the declaration prescribed by the twenty-second article of the Constitution of this State, and also took the oath of office as Clerk of the Council. [*See note on page 11.*]

Mr. Craghead presented to the Chair a petition, signed by a number of the inhabitants of New Castle County, members of the Presbyterian congregation in Mill Creek Hundred, where the

LEGISLATIVE COUNCIL.

HELD AT DOVER, N.H., 20TH A. D. 1786.

Reverend Mr. John McCreary officiates, praying leave to bring in a bill to incorporate the said congregation; as also a petition, signed by the members of the Presbyterian Church at the head of Christiana, in White Clay Creek Hundred, in the County of New Castle, praying leave to bring in a bill for the incorporation of the said congregation.

On motion, ordered that the same be read; which was done accordingly.

On motion, ordered that the said petitions be referred to a committee of two, to report thereon, to wit: Mr. Baning and Mr. Tilton.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met according to adjournment.

Mr. Speaker laid on the table a letter addressed to him from the Chairman of Congress, containing a report of a committee concerning the system of general revenue.

On motion, by order, the said letter was read, and also the report of the committee.

Mr. Craghead presented to the Chair a petition from divers inhabitants of New Castle County, praying an alteration in the mode of making and repairing the public roads, and for the collecting the poor of the said county into one house.

On motion, by order, the said petition was read.

Ordered to lie on the table.

Adjourned to 10 o'clock to-morrow morning.

SATURDAY, A. M., June 3, 1786.

Council met. Present the same members as on yesterday.

The committee to whom were referred the petitions of divers inhabitants of New Castle County, members of the Presbyterian churches of White Clay Creek and of Mill Creek Hundreds, praying leave to bring in a bill to incorporate the said congregations, now brought in their report; which was read, and follows in these words:*

On motion, ordered,

That Mr. Baning, Mr. Tilton, and Mr. Snow are appointed a committee to bring in a bill for granting a general charter of incorporation to all the churches and religious societies of every Christian denomination, agreeable to the recommendation of the committee in their report upon the petitions of the members of the said churches, &c.

Adjourned to Monday next at 10 o'clock in the morning.

MONDAY, June 5th, A. M.

Council met pursuant to adjournment.

Mr. Joshua Polk appeared in Council and took his seat.

On motion, by order,

The bill entitled "An act for laying a rate or duty on certain offices and lowering the salaries of the Justices of the Courts of Common Pleas and Orphans' Courts, and for other purposes," was read.

Adjourned to 3 o'clock.

* This report does not appear on the record.

EODEM DIE, P. M.

Council met according to adjournment.

The committee appointed to prepare and bring in a bill for the more equal assessment of the property of the inhabitants of this State, as also of the property in the same belonging to inhabitants of any other State, now laid one on the table; which was read.

Ordered to lie on the table.

On motion, by order,

The bill entitled "An act for the further security of Government," was read a second time and unanimously rejected.

Ordered, That Mr. Craghead wait upon the House of Assembly and return the bill entitled "An act for the further security of Government," and inform them that Council have rejected the same.

On motion, by order,

The bill for laying a rate or duty on certain offices, &c., was read a second time.

Ordered to lie on the table.

Adjourned to 10 o'clock to-morrow morning.

TUESDAY MORNING, June 6th, 1786.

Council met pursuant to adjournment.

Mr. Read appeared in Council and took his seat.

On motion, by order,

The bill entitled "An act for the more equal assessment of

property within this State, and for other purposes therein mentioned," was read a second time.

Ordered to lie on the table.

Mr. Craghead, having returned, reported that he had delivered to the Speaker of the House of Assembly the bill entitled "An act for the further security of Government."

On motion,

Resolved, That Council will go into a third reading of the bill entitled "An act for laying a rate or duty, &c.," to-morrow afternoon.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met according to adjournment.

The House now went into the consideration of the bill entitled "An act for raising twenty-one thousand pounds for the service of the year one thousand seven hundred and eighty-six," and after some time spent therein it was committed to Mr. Read, Mr. Snow, and Mr. Polk, to report thereon.

Adjourned to 10 o'clock to-morrow morning.

WEDNESDAY, June 7th, 1786, A. M.

Council met according to adjournment.

Mr. Patten, a member of the House of Assembly, attending, was admitted and delivered to the Chair the following papers, viz: A supplementary bill to the act vesting Congress with power to levy duties, &c.; letter from the Chairman of Con-

gress, recommending a revision of the impost law; petitions from Joseph Tatlow to the General Assembly of the Delaware State; a memorial of Richard Bassett, Esquire, and the report upon the petition of Joseph Tatlow and memorial of Richard Bassett; Auditor's report upon the first petition of Joseph Tatlow, and the depositions of Samuel Fisher and Joseph Tatlow, with a certificate of Thomas Carrell, Deputy Quartermaster, and another of General Mifflin, Quartermaster-General; which said papers were severally read.

Council resumed the consideration of the bill entitled "An act for the more equal assessment of property within this State, and for other purposes therein mentioned," and after some time spent therein, resolved that Council will go into a third reading of the said bill on the day after to-morrow, in the forenoon.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met according to adjournment.

Council now went into the consideration of the bill entitled "An act for the laying a rate or duty on certain offices, &c.," and after some time spent therein, it was deferred for further consideration.

The committee appointed to bring in a bill for granting a general charter of incorporation to all religious societies of every Christian denomination, now laid one on the table; which was read.

Ordered to lie on the table.

Adjourned to 10 o'clock to-morrow morning,

THURSDAY, June 8th, 1786, A. M.

Council met and adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met pursuant to adjournment.

The committee to whom was committed the bill entitled "An act for raising twenty-one thousand pounds for the service of the year one thousand seven hundred and eighty-six," now informed Council that they had made some progress in that business, but had not been able to finish the same, and desired a longer time; which was granted.

A petition from divers of the inhabitants of New Castle County, praying an alteration in the law for maintaining public roads, was presented to the Chair and read.

Ordered to lie on the table.

Council now resumed the consideration of the bill entitled "An act for laying a rate or duty on certain offices, &c.," and after some time spent therein, the same was again deferred for further consideration.

Adjourned to 10 o'clock to-morrow morning.

FRIDAY, June 9th, 1786.

Council met according to adjournment.

Council, agreeable to the order of Wednesday, went into the further consideration of the bill entitled "An act for the more equal assessment of property within this State, and for other purposes therein mentioned," and after some time spent therein, the still further consideration was deferred until this afternoon.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met. Present the same members.

On motion, the memorial of Richard Bassett, and the resolution of the House of Assembly thereon, was read a second time, and thereupon the Council concurred in opinion with the House of Assembly that the General Assembly, at their present sitting, should proceed to the appointment of persons as Judges of the Court of Appeals for this State, agreeable to the 17th section of the Constitution, but

Resolved, That such appointment, on the part of the Council, be postponed until the bill proposed by the House of Assembly, in their resolutions aforesaid, for ascertaining the allowance to the said Judges, &c., shall have been acted upon by the Council.

Ordered, That the foregoing be transcribed and sent to the House of Assembly.

STE. SYKES, *Cl'k P. T.*

Ordered, That Mr. Tilton wait upon the House of Assembly with the foregoing motion and resolution;

Who, being returned, reported he had delivered the same to the Speaker of that House, the House of Assembly having adjourned for that day.

On motion, Council now resumed the consideration of the bill entitled "An act for the more equal assessment of property within this State, and for other purposes therein mentioned," and after some time spent therein the same was recommitted to the gentlemen on the first committee, to which were added Messrs. Read and Craghead.

Adjourned to 10 o'clock to-morrow morning.

SATURDAY, June 10th, 1786, A. M.

Council met according to adjournment.

On motion, by order,

The bill entitled "An act to enable all the religious denominations in this State to appoint Trustees, who shall be a body corporate for the purpose of taking care of the temporalities of their respective congregations," was read a second time, and the same was recommitted to the gentlemen on the first committee, to which Mr. Read was added.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met pursuant to adjournment, and adjourned to 10 o'clock on Monday morning.

MONDAY, June 12th, 1786, A. M.

Council met according to adjournment. Present the same members.

The committee to whom was committed the bill entitled "An act for raising twenty-one thousand pounds for the service of the year one thousand seven hundred and eighty-six," now reported several amendments, which were read.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met according to adjournment.

The Council now proceeded in the consideration of the bill entitled "An act for raising twenty-one thousand pounds for the service of the year 1786," with the several amendments proposed thereto, and after making considerable progress therein the same was deferred to further consideration.

Adjourned to 10 o'clock to-morrow morning.

TUESDAY, June 13th, 1786, A. M.

Council met pursuant to adjournment. Present the same members.

Council now went into the consideration of the bill entitled "An act for raising twenty-one thousand pounds for the service of the year one thousand seven hundred and eighty-six," and the amendments proposed thereto by the committee appointed to report thereon, and upon debating the 45th amendment, which is as follows:

But whereas it is just and reasonable to provide for the discharge of such of the certificates to be given for interest due, as well on all Continental Loan Office certificates issued from the office in this State, as on liquidated debts of the United States, due to the inhabitants of this State, which may not have been received from the taxables by any of the County Collectors; be it therefore enacted that the State Treasurer is hereby authorized and required, so often as he shall have any monies in his hands under this act, where the proportion is greater than one-third of the amount of the interest certificates aforesaid, to exchange, without fee or reward therefor, any such interest certificates that may be brought to him for that purpose, paying the amount thereof, in specie, to the bearer, from the said overplus propor-

tion, and that the holders of such interest certificates may have notice when to attend the State Treasurer for this purpose, he is hereby also authorized and required, at the expense of the State, to give public notice, by advertisement, to be inserted in the Delaware Gazette, when and where such holder may attend him for exchange as aforesaid.

And on the question to agree to the same, the yeas and nays were required by Mr. Read, and are as follows:

Yeas—Mr. Craghead, Mr. Read, Mr. J. Polk, Mr. Snow, and Mr. Bassett.

Nay—Mr. Tilton.

As also the 46th amendment, which is as follows: And to the end that the taxables, within this State, who may hold any certificates of liquidated debts of the United States, and that all holders of Loan Office certificates issued from the Office in this State may obtain certificates for all the interest due thereon, to the last day of the year 1784, in a reasonable time after the passing of this act, for the purpose of discharging the two-thirds part of their tax therewith, or otherwise obtaining the exchange directed to be made as aforesaid; and the General Assembly of this State, considering the provisions in this act as a compliance with the first hereinbefore recited requisitions of Congress, be it therefore enacted, that if the Commissioner of the Continental Loan Office of this State shall refuse or neglect to settle and certify the interest due on any of the certificates aforesaid, to the last day of the year 1784, upon reasonable application to him made, at any time after one month from the passing of this act, that it shall and may be lawful for the President or Commander-in-Chief, for the time being, and he is hereby authorized and required, upon any and every complaint to him made, and supported by an oath or affirmation of the party, or any credible witness, of such refusal or neglect in the Commissioner of the Continental Loan Office aforesaid, forthwith to summons the Privy Council, notifying the Commissioner and the party complaining to attend the meeting thereof, and then proceed into the inquiry of the facts of refusal or neglect aforesaid, and if the same shall be made clearly to appear, to the satisfaction of the President and Privy Council, the President is hereby authorized and required to issue his proclamation declaring a suspension of the collection of taxes, directed to be made by this act, until such

cause of complaint, as aforesaid, shall be removed, and when and as often as the President and Privy Council shall have satisfactory evidence that it shall be so done, the President, with the advice of the Privy Council, is hereby also authorized and required to take off such suspension and revive the collection of the taxes aforesaid by other proclamation for that purpose to be issued, anything herein before contained to the contrary notwithstanding.

And on the question to agree to the same, the yeas and nays were required by Mr. Read, and are as follows:

Yeas—Mr. Craghead, Mr. Read, Mr. J. Polk, and Mr. Snow.

Nays—Mr. Tilton and Mr. Baning.

So it passed in the affirmative.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met and proceeded in the consideration of the bill entitled "An act for raising twenty-one thousand pounds for the service of the year A. D. 1786," with the amendments proposed thereto, and having made considerable progress therein, adjourned to 10 o'clock to-morrow morning.

WEDNESDAY, June 14th, 1786, A. M.

Council met according to adjournment.

Mr. Daniel Polk appeared in Council and took his seat.

The Council now went into the further consideration of the several amendments proposed to the bill entitled "An act for raising twenty-one thousand pounds for the service of the year one thousand seven hundred and eighty-six," and after some time spent therein, the amendments were agreed to.

Ordered, That the same be transcribed and sent to the House of Assembly for their concurrence.

The said amendments being transcribed and compared,

Ordered, That Mr. Craghead wait upon the House of Assembly with the said bill entitled "An act for raising twenty-one thousand pounds, &c.," with the amendments proposed thereto by Council;

Who, being returned, reported the delivery thereof according to order.

On motion, by order,

The supplementary bill to the act vesting Congress with power to levy duties, &c., was read a second time.

Mr. McLane, a member of the House of Assembly, attending, was admitted and delivered to the Chair a bundle of papers respecting the proceedings of the House of Assembly upon the accounts of John McKinly, Esquire, with the said accounts and papers relative thereto.

Ordered, That Mr. Snow wait upon the House of Assembly and return the supplementary bill to the act vesting Congress with power to levy duties, &c., with a paper of amendments proposed thereto, and a letter from the Chairman of Congress, recommending a revision of the impost law;

Who, being returned, reported he had delivered the same according to order.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met.

On motion, by order, the accounts of John McKinly, Esquire, with the papers relative thereto, were read.

Ordered to lie on the table.

Adjourned to 10 o'clock to-morrow morning.

THURSDAY, June 15th, 1786, A. M.

Council met according to adjournment. Present the same members as on yesterday.

On motion, by order,

The accounts of John McKinly, Esquire, with the papers relative thereto, were read a second time.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met, and in the consideration of the proceedings of the House of Assembly respecting the accounts of John McKinly, several amendments were proposed and agreed to.

Ordered, That the said amendments be transcribed and sent to the House of Assembly for their consideration.

The said amendments being transcribed and compared,

Ordered, That Mr. Joshua Polk wait upon the House with the amendments aforesaid proposed by Council to the proceedings of the House of Assembly respecting the accounts of John McKinly, Esq., together with the said accounts and all the papers relative thereto;

Who, being returned, reported the delivery thereof according to order.

Mr. Nixon, a member of the House of Assembly, attending, was admitted and delivered to the Chair the following papers, viz: A bill for printing and emitting twenty-one thousand pounds in Bills of Credit, to be let out on loan, and providing a fund for sinking the same; a message to the Council from the House of Assembly respecting the said bill; three petitions, praying relief

from the distresses occasioned by the scarcity of money; report of the committee upon the papers accompanying the President's Message of the 9th instant; resolutions appointing commissioners, &c.; paper having the names of the commissioners proposed to meet commissioners from the other States, &c, with a message from the President, with a bundle of papers;

And in the course of the reading the said papers, Council took into consideration the resolution of the House of Assembly appointing commissioners to meet commissioners, &c., and their nomination of persons to fill up the blank in said resolution, and the said resolution proposing the persons for the purpose aforesaid was rejected.

Adjourned to 10 o'clock to-morrow morning.

FRIDAY, June 16th, 1786, A. M.

Council met.

On motion, by order, the message from the House of Assembly to the Council respecting the bill for printing and emitting twenty-one thousand pounds in Bills of Credit, to be let out on loan, and providing a fund for sinking the same, and the aforesaid bill, and also three petitions, praying relief from the distresses occasioned by the scarcity of money, were read.

Council, upon considering the aforesaid bill for emitting twenty-one thousand pounds in Bills of Credit, &c., do reject the same.

Mr. Tilton, Mr. Snow, and Mr. D. Polk are appointed a committee to prepare an answer to the message from the House of Assembly, in which answer the reasons inducing Council to reject the said bill are to be expressed.

Council took into consideration the resolutions transmitted yesterday respecting the appointment of commissioners, &c., and several amendments were proposed thereto and agreed to.

Ordered, That the same be transcribed and sent to the House of Assembly for their consideration, together with the following verbal message:

Gentlemen:

Your resolve of yesterday, proposing the names of five persons as commissioners, to be inserted in the transmitted resolutions as to the intended meeting at Annapolis, for conferring on the trade of the United States and forming a system of commercial regulations for the adoption of all the States in the American Union, is returned to you as rejected by Council, for that, agreeable to the rules laid down by the General Assembly of this State, in the session of February, 1777, and regularly persevered in as to all appointments to offices of public trust of importance since that time, such appointments have been made under the regulations then adopted respecting the choice of civil officers of the State, Delegates to Congress, and the Continental Loan Officer, &c., by the two Houses meeting together for the purpose of nominating a number of persons for the consideration and comparison of their fitness for the service to be performed, and after to elect by ballot. These rules of nomination and election the Council conceive it right and incumbent on them to adhere to, as well with respect to the commissioners to be inserted in the blank left for their names in the resolution aforesaid as to all other nominations to be made of civil officers, commissioners, &c., necessary to be appointed in the present session; and as its continuance will probably be short, the Council therefore propose to the House of Assembly that a meeting be had of the members of both Houses, in the Council Room, at 6 o'clock this afternoon, for the purpose of general nomination as aforesaid.

Ordered, That Mr. Craghead wait upon the House of Assembly with the resolutions of that House respecting the appointment of commissioners, with the several amendments proposed thereto by Council, as also with the above verbal message from Council to that House.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met.

Mr. Craghead, being returned, reported the delivery of the above mentioned message from Council to the House of Assembly, according to order.

Mr. McLane, a member of the House of Assembly, attending, was admitted and returned to the Chair the following papers: The resolutions of the Assembly appointing commissioners, &c.; the verbal message sent this morning from the Council to the House of Assembly; the paper of amendments proposed by the Council to the said resolutions of the House of Assembly, with a paper of amendments proposed by the House of Assembly to the said amendments of Council, with the following verbal message to the Council:

Gentlemen:

The House of Assembly having taken into consideration your verbal message delivered this afternoon, respecting the mode of nominating and appointing commissioners to form, with the commissioners from the other States in the Union, a convention for the purpose of framing and reporting a system of commercial regulations, &c., do concur in the mode proposed; and will meet Council for that purpose, at the time and place therein mentioned.

The amendments proposed by the House of Assembly to those of Council, as also the verbal message from the House of Assembly, were read, and the amendments of the House of Assembly to those of Council were acceeded to.

The Council and the House of Assembly met in the Council Chamber for the purpose of electing Commissioners, agreeable to the appointment of both Houses, and the ballots being taken and examined, George Read, Jacob Broom, John Dickinson, Richard Bassett and Gunning Bedford, Esquires, were declared duly elected commissioners to meet commissioners from the other States in the Union, for forming a system of commercial regulations; and William Killen, Gunning Bedford and John Jones, Esquires, Mr. Robert Armstrong and Eleazar McComb, Esq., were declared duly elected commissioners to meet commissioners

from the States of Pennsylvania and Maryland, for the purpose of digesting measures for effecting a navigable communication between the Bays of Chesapeake and Delaware, and for the other purposes mentioned in the resolution on this subject.

[A page of the journal here is blank, the space evidently being left for the purpose of recording an omission of part of Friday afternoon's and Saturday morning's proceedings.]

Ordered, That Mr. Snow return to the House of Assembly the following papers: The resolution of that House appointing commissioners from this State to meet commissioners from the other States, with the amendments proposed thereto by Council, as also a paper of amendments proposed by the House of Assembly to those of the Council, to which Council had agreed; with a verbal message from Council to the House of Assembly, which was returned to this House yesterday, with the several papers relative to the subject of commercial regulations and the improvement of inland navigation, and a letter from his Excellency, Wm. Smallwood, Esq., accompanying the resolutions of Maryland;

Who, being returned, reported the delivery thereof according to order.

The committee appointed to prepare a message to the House of Assembly in answer to a message received from that House on the subject of the bill for printing and emitting twenty-one thousand pounds, &c., in which first mentioned message the reasons and principles upon which Council do reject the said bill were to be expressed, now laid one on the table; which was read.

On motion, by special order, the said message was read a second time.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met. Present all the members, except Mr. Joshua Polk and Henry Neill.

Some amendments being proposed to the message from Council to the House of Assembly in answer to their message of yesterday and agreed to,

Ordered, That the same be transcribed and sent to the House of Assembly.

Ordered, That Mr. Polk wait upon the House of Assembly with the following verbal message:

"That the President's Message of the ninth instant, accompanied with Secretary Thompson's letter of the first of April last, mentioned a copy of the Journal of Congress. The Council wish to have a view of them for information relative to some business now under their consideration."

Who, being returned, reported the delivery thereof according to order.

Mr. Garrett, a member of the House of Assembly, attending, was admitted and delivered the following verbal message, which was read, and follows:

Gentlemen:

The House of Assembly propose to your honorable House, that both Houses meet, at six o'clock this evening, in the Council Chamber, for the purpose of putting into nomination persons, out of whom one shall be elected by ballot, to fill the vacancy occasioned by the death of Richard Lockwood, Esq., one of the Justices of the Court of Common Pleas and Orphans' Court for the County of Kent.

It appears to this House, that the accounts exhibited on behalf of this State against the United States, cannot be adjusted for want of vouchers produced to authenticate, support, and explain the said accounts; and the Commissioner heretofore appointed by this State for that purpose, conceiving that he hath completed the duties of his appointment, hath declined taking any further measures on this subject. In order, therefore, to effectuate a speedy completion of that business, this House propose to meet the Council at the time and place above mentioned, for the nominating of persons for the purpose of electing thereout a Commissioner to procure sufficient, or the best attainable vouchers, to support the accounts of this State against the United States, and

for transacting, with the Commissioner of the said United States, all the necessary business relative to this important object.

Ordered, That Dr. Tilton wait upon the House of Assembly with the bill for printing and emitting twenty-one thousand pounds, &c., with the three petitions, praying relief from the distresses occasioned by the scarcity of money, as also the message from Council to the House of Assembly in answer to a message from that House respecting the said bill for printing and emitting, &c.;

Who, being returned, reported the delivery thereof according to order.

A Message from the Council to the House of Assembly in answer to their Message of Thursday last.

Gentlemen:

We have considered the bill for emitting £21,000 on loan; also for suspending executions for a limited time; and after the most impartial and candid examination of it, have disagreed thereto.

We will not take up your present time with long and defensive arguments, but will mention concisely some of the leading or principal reasons which have influenced our conduct, and hope they will be satisfactory.

We know that previous to the Revolution happy concurrence of circumstances gave an advantageous credit to our paper currency, but since that period all experience serves to show that nothing short of a bank, or fund, at which paper may be exchanged, at pleasure, for hard money, can prevent the former from depreciation.

A paper currency, issued upon the principle proposed by your honorable House, would not pass in the taxes of the State for Continental use, nor, in our apprehension, be current for any purpose whatsoever anywhere without the State, and consequently must fail to answer our most necessary occasions. We are therefore of opinion that instead of affording relief to the people, the measure proposed would injure the estates of industrious and worthy citizens, and depreciate the morals of others in the same proportion as the money itself depreciated.

The facilities to be issued from the Continental Loan Office of

this State, agreeable to the Tax Bill now pending with the General Assembly, will answer most purposes of a circulating paper medium. Being payable in Continental taxes, it will of course become a currency in most cases. An additional quantity of paper money, in the opinion of Council, would so far exceed the due proportion of paper to hard money within the State, as to depreciate the facilities, and thereby deprive us of the only circulating paper we can, at this time, reasonably hope to establish.

Permit us, gentlemen, before we close our address, to suggest our opinion of the source of those distresses which you so feelingly mention; and we hope you will be persuaded of our desire to concur with you in every measure of public utility, when we have pointed out to you the means of redressing these evils which we suffer from being in debt and involved one with another.

This kind of distress, we conceive, can only proceed from men's living beyond their income, or speculating indiscreetly upon their neighbors' property, and but very rarely from inevitable misfortune.

The plain and obvious means of redress then will be a strict and uniform course of justice, and we apprehend the Legislature cannot more effectually contribute to the end proposed than by a further limitation and restriction upon book debts, and a regulation, as well in the form of the warrant of attorney, usually annexed to bonds given for payment of monies, as of the manner used in proceeding thereon in the courts of justice, for that in their present form and use they have tended rather to create an artificial credit than otherwise. THO. McDONOUGH.

A Verbal Message from the Council to the House of Assembly.

Gentlemen:

The Council agree to the propositions contained in the verbal message from your honorable House of Saturday afternoon, to meet in the Council Chamber for the purpose of putting into nomination persons as well to fill the vacant seat on the bench of the Common Pleas Court in the County of Kent, as also a Commissioner of the Public Accounts of this State against the United States. Council therefore propose the hour of seven, this afternoon, for the purpose aforesaid.

Mr. Emmerson, a member of the House of Assembly, attending, was admitted and delivered to the Chair the following papers: Resolutions appointing Commissioners, &c., the paper of amendments proposed thereto by the Council, and also a paper of amendments and an additional amendment by the House of Assembly.

Adjourned to 10 o'clock on Monday morning.

MONDAY, June 18th, 1786, A. M.

Council met and adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met. Present the same members, except Mr. Joshua Polk.

Mr. Neill now appeared in Council and took his seat, having first informed Council that he was unable to attend sooner on account of his indisposition; he is therefore excused.

The Speaker having received the following papers: The bill entitled "An act for raising twenty-one thousand pounds for the service of the year one thousand seven hundred and eighty-six," the paper of amendments proposed by Council to the said bill, to many of which said amendments the House of Assembly do disagree, with a paper of additional amendments proposed by the House of Assembly to the aforesaid bill, now laid them on the table.

The amendments proposed by Council to the said bill, and those amendments proposed by the House of Assembly, were read.

Adjourned to 10 o'clock to-morrow morning.

TUESDAY, June 19th, 1786, A. M.

Council met according to adjournment, and went into the consideration of such of their amendments proposed to the bill entitled "An act for raising 21,000 pounds, &c.," as were disagreed to by the House of Assembly, and after some time spent therein, Council adjourned until three o'clock this afternoon.

EODEM DIE, P. M.

Council met. Present the same members.

On motion, by order,

The verbal message proposed to be sent to the House of Assembly on Saturday last from Council, but was prevented by the adjournment of that House, be postponed until the passing of the bill for raising £21,000 for the service of the year 1786 by Council.

Council then proceeded to the further consideration of their amendments proposed to the said bill and rejected in part by the House of Assembly, together with the amendments proposed by the House of Assembly to said bill; and upon the question to agree to the following amendment proposed to their 45th original amendment, viz:

"When and as soon as he shall have received, under this act, any greater sum in specie than five thousand six hundred and ten pounds fifteen shillings, the one-third of the remaining moiety of the eight million of dollars aforesaid, he is hereby authorized and required to exchange, without fee or reward therefor, any such interest certificates aforesaid that may be brought to him for that purpose, paying the amount thereof in specie to the bearer out of any such overplus proportion, and that at any time between the passing of this act and the 31st day of May next."

The yeas and nays were required by Mr. Tilton, which were as follows, viz:

Yeas—Mr. Craghead, Mr. Read, Mr. Snow, Mr. Baning, Mr. Neill, Mr. D. Polk.

Nay—Mr. Tilton.

An amendment was proposed by Council to their 46th original amendment, viz:

"That in case of the refusal of the Commissioner of the Continental Loan Office for this State to issue certificates of interest due on Loan-Office certificates issued from the office of this State, and other liquidated debts of the United States due to the inhabitants of this State, the President be directed to issue his summons for calling the General Assembly together, at Dover, to take under their notice and determine upon such refusal or neglect."

The question being put, "Will the same be agreed to?" the yeas and nays were required by Mr. Tilton, and were as follows:

Yeas—Mr. Craghead, Mr. Read, Mr. Baning, Mr. Daniel Polk.

Nays—Mr. Snow, Mr. Tilton.

Adjourned to 10 o'clock to-morrow morning.

WEDNESDAY, June 21st, 1786, A. M.

Council met and adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met. Present the same members.

Mr. Shankland, a member of the House of Assembly, attending, was admitted and delivered to the Chair the following papers, viz: A supplementary bill to the act for calling in and destroying the Bills of Credit, &c.; a memorial of Simon W. Wilson; which said papers were read.

Mr. Read, appointed yesterday to prepare a message to the House of Assembly, now laid one on the table; which was read.

Adjourned until 10 o'clock to-morrow morning.

THURSDAY, June 22d, 1786, A. M.

Council met according to adjournment.

Mr. Patten, a member of the House of Assembly, attending, was admitted and delivered to the Chair the following papers, viz: Resolutions for negotiating a loan from the bank; a message from the President to the General Assembly; a resolution respecting an adjournment; with a copy of the continuation of the Journals of Congress from the 3d of March last to the 2d instant, and a copy of the Treaty of Amity and Commerce lately concluded between the United States of America and his Majesty the King of Prussia, mentioned in the said message from the President; which said papers were read.

The Council now went into the consideration of the message proposed to be sent to the House of Assembly, and after some time spent therein the same was agreed to.

Upon the question to agree to the same, the yeas and nays were required by Mr. Tilton, and are as follows:

Yeas—Mr. Craghead, Mr. Read, Mr. Snow, Mr. Neill, Mr. D. Polk, Mr. Baning.

Nay—Mr. Tilton.

So it passed in the affirmative.

Ordered, That Mr. Craghead wait upon the House of Assembly with the following papers, to wit: The bill entitled "An act for raising twenty-one thousand pounds for the service of the year 1786, with the first paper of amendments proposed thereto by Council and still adhered to; the second paper of amendments proposed to the said bill by the House of Assembly, and also with a third paper of amendments proposed by the Council to some of their original amendments to said bill, with the above mentioned message from Council to the House of Assembly; and also with resolutions ascertaining the duty of Commissioners of the Continental Loan Offices; a letter of Secretary of Congress, dated 15th October, 1785, with resolutions of Congress of September, 1782, and October 12th, 1785.

Mr. Craghead, being returned, reported the delivery thereof according to order.

On motion, by order,

The supplementary act to an act entitled "An act for calling in and destroying such of the Bills of Credit emitted by virtue of any law of this State, passed under the present or former Government thereof, as are now outstanding, and for other purposes therein mentioned," was read a second time.

Ordered, That Mr. D. Polk wait on the House of Assembly with the following verbal message:

A Message from the Council to the House of Assembly.

Gentlemen:

The Council had deliberated upon and acceded to the proposition contained in the verbal message from your honorable House of Saturday afternoon, and were preparing to transmit the same, when a member of your honorable House informed Council of their adjournment for the day; since which Council acted upon the tax bill in such way that, in their opinion, another vacancy in a public office, to wit: that of State Treasurer, may be necessary

to be supplied by nomination and ballot. Therefore it is that Council now declare their readiness to meet the House of Assembly for the purpose of putting into nomination persons to supply any vacancies necessary to be filled by the choice of the General Assembly generally, or in conjunction with his Excellency, the President, at any time and place which your honorable House may propose.

Mr. D. Polk, being returned, reported the delivery of the above message to the Speaker of the House of Assembly.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met. Present the same members.

Ordered, That Mr. Snow wait upon the House of Assembly with the following papers: Resolutions appointing Commissioners, &c.; first paper of amendments proposed thereto by Council and a second paper of amendments proposed by House of Assembly, and a resolution of Council respecting the canal business;

Who, being returned, reported the delivery thereof according to order.

Mr. Clark, a member of the House of Assembly, attending at the door, was admitted and delivered to the Chair a message from the House of Assembly to Council, which follows in these words:

A MESSAGE TO THE COUNCIL FROM THE HOUSE OF ASSEMBLY.

Gentlemen:

The House of Assembly have taken into consideration the several amendments proposed to the bill entitled "An act for raising £21,000 for the service of the year 1786," and also the message from your honorable House containing the reasons upon which you proposed and still adhere to your amendments; but as the session draws near to a conclusion, time will not permit us

to state to the Council the principles which induce this House to reject divers of your amendments, yet, from a conviction of the necessity of giving efficacy to a bill so essentially requisite to the honor of the State and the dignity of the Federal Government, this House are desirous of adopting the most conciliatory and speedy measures to effect a concurrence of sentiment, and therefore propose to the Council a committee of conference on the subject matter of the disputed amendments, and have appointed Mr. Bedford, Mr. Patten, and Mr. Mitchell conferees on the part of this House.

Signed by order of the House of Assembly,

THOMAS DUFF, *Speaker.*

On motion of Mr. Tilton,

That this House appoint a committee of conferees to confer with the committee of the House of Assembly on the subject matter of the amendments proposed by Council to the bill for raising £21,000 for the service of the year 1786, and divers of them disagreed to by the House of Assembly before the Council shall be in possession of the reasons the House of Assembly had for such disagreement;

And the question being put, the yeas and nays were desired by Mr. Tilton, and are as follows, viz:

Yeas—Mr. Snow, Mr. Tilton, Mr. Baning.

Nays—Mr. Read, Mr. Neill, Mr. D. Polk.

The House being divided, Mr. Speaker gave his voice against the motion, and it was determined in the negative.

Adjourned to 10 o'clock to-morrow morning.

FRIDAY, June 23d, 1786, A. M.

Council met. Present the same members as yesterday.

Ordered, That the motion and resolution of the Council respecting the appointment of a committee of conferees to confer with the committee of the House of Assembly on the subject of the amendments proposed by the Council to the tax bill, before Council should be in possession of the reasons the House of Assembly had for such disagreement, be transcribed and sent to the House of Assembly, together with the following message from Council to the House of Assembly:*

Mr. Neill is appointed to deliver the said transcribed motion and resolution and the said message; who, being returned, reported the delivery thereof accordingly.

Mr. Mitchell, a member of the House of Assembly, attending, delivered to the Chair a bill for the suppression of idleness, vice, and immorality; which said bill was read.

On motion, by order,

The resolutions for negotiating a loan from the bank were read a second time, and after some time spent in the consideration thereof the same was rejected.

Ordered, That the same be returned to the House of Assembly. Said resolutions follow in these words:

IN THE HOUSE OF ASSEMBLY, June 21, 1786.

Resolved, That ——— ——— be and are hereby appointed Commissioners on behalf of this State to negotiate a loan with the President, Directors, and Company of the Bank of North America, for any sum not exceeding fifteen thousand pounds, to be repaid in annual installments, to commence from the expiration of one year from the receipt of such money, on such terms and conditions as they shall think most advantageous to the interest of this State; and the said Commissioners are hereby authorized and empowered to pledge the faith and honor of this

* This message is omitted by the Clerk.

State for the repayment of the said sum, with an annual interest of six per centum on the same, till the whole principal is refunded, with the accruing interest thereon.

And the said Commissioners are further authorized and empowered to pledge the faith of this State (if the said President, Directors, and Company aforesaid should think it necessary,) that this State will pass a legislative act confirming any contract so entered into by their said Commissioners, and making provision therein for the repayment of the said money on the terms and conditions that may be agreed upon between the said Commissioners and the President, Directors, and Company aforesaid.

Extract from the secret journals, the members of the House of Assembly having been enjoined to secrecy respecting the preceding resolution.

JAS. BOOTH, *Cl'k of Assembly.*

Sent for concurrence.

Thus acted upon in Council, June 23, 1786. Read, considered and rejected.

STE. SYKES, *Cl'k of Council P. T.*

The Council adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met. Present the same members.

Mr. Nixon, a member of the House of Assembly, attending, was admitted and delivered to the Chair the following papers, viz: Resolutions appointing Commissioners, &c.; a resolution of Council respecting the canal business; with the paper of amendments proposed by the Council to the resolutions of the House of Assembly respecting the appointment of Commissioners, &c., on the trade of the United States, with the following message to the Council from the House of Assembly:*

* Omitted by Clerk.

On motion, the said message is referred to a committee of two, viz: Mr. Read and Mr. D. Polk, to report thereon, who are to state the reasons of Council for receding from their determination respecting the proposal of appointing a committee of conferees to confer on the subject matter of the amendments proposed to the tax bill.

On motion,

Ordered, That Mr. Read, Mr. Neill, and Mr. Baning be a committee of conferees to confer with the committee of the House of Assembly on the subject matter of the amendments proposed by Council to the bill for raising £21,000 for the service of the year 1786, and divers of them disagreed to by the House of Assembly.

Adjourned to 9 o'clock to-morrow morning.

SATURDAY, 24th June, 1786, A. M.

Council met. Present the same members.

The committee appointed to prepare an answer to the message from the House of Assembly to Council, and to whom the said message was referred to report thereon, now laid on the table the following message; which, by order, was read; the same, by special order, was read a second time and agreed to, in these words:*

The supplementary bill to the act for calling in and destroying the Bills of Credit, &c., was now read a third time, and an amendment being proposed and agreed thereto,

Ordered, That Mr. Tilton wait upon the House of Assembly with the said bill and paper of amendment, with the memorial of Simon W. Wilson.

Mr. Tilton, being returned, reported the delivery thereof according to order.

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* Omitted by the Clerk.

The bill for the suppression of vice and immorality, was now read a second time, and some amendments proposed thereto and agreed to.

Ordered, That the said amendments be transcribed and sent, with the said bill, to the House of Assembly for their consideration and concurrence.

Ordered, That Mr. Snow wait upon the House of Assembly with the said bill and the paper of amendments proposed by Council thereto;

Who, being returned, reported the delivery, &c.

Ordered, That the resolution of Council yesterday afternoon respecting the appointment of conferees to confer with the committee of the House of Assembly on the subject matter of the amendments proposed by the Council to the bill for raising £21,000 for the service of the year 1786, be transcribed and sent to the House of Assembly; which was done, and, with the above message from Council to the House of Assembly, sent to the House of Assembly.

Ordered, That Mr. D. Polk wait upon the House of Assembly with the above resolution and message;

Who, being returned, reported the delivery thereof according to order.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met. Present the same members.

The committee of conferees appointed to confer with the committee of the House of Assembly on the subject matter of the amendments proposed by Council to the bill for raising £21,000 for the service of the year 1786, now made their report, to which Council agreed.

On motion,

Ordered, That the said bill be transmitted to the House of Assembly, together with the paper of amendments, as also with the paper of amendments proposed by the committee of conferees.

Ordered, That Mr. Craghead wait upon the House of Assembly with the aforesaid bill and several papers of amendments proposed thereto;

Who, being returned, reported the delivery thereof according to order.

On motion, that the sense of Council be taken whether Mr. Tilton have leave to enter at large upon the minutes of Council his reasons for disagreeing to sundry amendments proposed by Council to the bill for raising £21,000, &c., and for protesting against a message from the Council to the House of Assembly of the 22d instant, agreeable to leave then had and obtained of Council; and the question being put, it was resolved in the affirmative.

Whereupon Mr. Tilton laid on the table a paper exhibited as containing his reasons for his disagreement and protest, which follows in these words:

1st. Because the end proposed by the first amendment, for increasing the sum to be raised, and all the numerous amendments dependent thereon, is allowable in another way, and more to the advantage of the State. Instead of paying one-third of the requisition of the 4th of September, 1782, in specie, agreeably to the intention of this amendment, it is admitted the whole might be paid in facilities. By a separate provision then for this requisition, such as we have reason to believe the House of Assembly intend, our tax laws would be more simple and easily executed, more facilities might be brought into circulation, and as their value would be enhanced, they would circulate more currently and be of greater public utility; and in proportion as this State is enabled easily and speedily to comply with the requisitions of Congress, the Federal Government will be benefited.

2d. Because the Articles of Confederation expressly declare that the proportion of taxes to be raised by each State in the

support of the Federal Government, shall be laid and levied by the authority and direction of the Legislatures of the several States, *within the time agreed upon by the United States in Congress assembled;* and the United States have required the Legislatures of each State in the Union, to provide, in the act complying with their requisition of the 27 Sept., 1785, that, if on the first day of January, 1787, the said State's quota of facilities shall not be in the hands of the State Treasurer, or other proper officer, the deficiencies shall be collected and paid into the Continental Treasury, in specie; therefore the 44th amendment for postponing the completion of this collection until the 31st May, 1787, cannot be considered as a compliance with the said requisition, and this circumstance of time must be regarded as essential to the requisition, and not as a mere matter of form, as was *alleged and maintained in Council.*

3d. Because the 45th amendment, for authorizing and requiring the State Treasurer to exchange specie for facilities is contrary to the spirit and letter of the requisition with which our act is intended to be a compliance. This amendment will also have a manifest tendency to depreciate the facilities, and, if adopted, must prove injurious to the honor and interest of the State, by opening a partial and dangerous speculation at the State Treasury.

4th. Because the 46th amendment, in its original form, to enable the President with the advice of the Privy Council to suspend the operation of the tax laws, as well as in the amended form in which it now stands, to enable the President with the advice of the Privy Council to summon the General Assembly for the express purpose of taking cognizance of officers appointed by Congress, and accountable to them alone, must be considered as manifestly tending to an incroachment on the just rights and prerogatives of Congress, engaged for by the plighted faith of this State through their Delegates in Congress assembled. It also behoves Council to have a due regard to the honor of this State, by a strict conformity to the requisitions of Congress, and to be seriously concerned to guard against a measure which might induce that honorable body to consider our present act as a non-compliance with, or repugnant to, their late requisitions, whereby our constituents might be deprived of the benefits hereby proposed and held out to them.

5th. Because in the message of Council to the House of As-

sembly, with reference to the Commissioner of the Loan Office in this State, for not having issued interest certificates, or Loan Office certificates, and other certificates of liquidated debts, up to the end of the year 1782, to be received in discharge of taxes for fulfilling the requisition of 1784, it is said: "and what has lately happened still renders the provision in this clause the more necessary, and Council willingly hope that any jealousy that may have taken place will, by the present form of the amendment, be done away." As it was sufficiently explained to the understanding and conviction of the Council, previous to the sending of this message, that neither Congress nor their officers could have done more for the State than was done, and that so far as the State may have suffered an inconveniency, it must have been owing to the contingency in the death of the late Loan Officer, and neglect on the part of the State to procure another before an entire change took place in the system for conducting the Continental Treasury, whereby it became impracticable to afford relief to the State, but by a speedy compliance with the requisition of 1785. It therefore becomes the duty of this dissentient to declare and protest, that language importing jealousy or distrust of Congress, or their officers, is without foundation, altogether unmerited by the officers of Congress, and when adopted by Council tends directly to disturb the harmony and impair the mutual confidence which ought to subsist between this State and the United States. J. TILTON.

Upon the entry of the papers delivered by Doctor Tilton, as aforesaid, it was thereupon observed to the House that the facts as stated therein, to which his reasons referred, were misrepresented and not truly stated.

Whereupon it was moved by Mr. Read, seconded by Messrs. Neill and Craghead, separately, that the sense of Council be taken with respect to those facts, and Council proceeded thereon as follows:

The first of which facts alleged to be misrepresented is as follows, to wit: "Instead of paying one-third of the requisition of 4th September, 1782, *in specie*, agreeably to the intention of this amendment, it is *admitted* the whole must be paid in facilities."

The question whether this fact is truly stated being put, it was resolved in the negative.

The second misrepresentation is as follows, to wit: "By a separate provision then for this requisition, such as we have reason to believe the House of Assembly intend."

The question whether this fact is truly represented being put, it was resolved in the negative.

The third, whether the following is a true representation of the facts, to wit: "The forty-sixth amendment, in its original form, to enable the President, with the advice of the Privy Council, to suspend *the operation of the tax laws*, as well as in the amended form in which it now stands, to enable the President, with the advice of the Privy Council to summon the General Assembly for the express purpose of *taking cognizance of officers* appointed by Congress and accountable to them alone."

And the question being put thereon, it was resolved in the negative.

The fourth misrepresentation is as follows, to wit: "*As it was sufficiently explained to the understanding and conviction of Council, previous to the sending of this message*, that neither Congress nor their officers could have done more for the State than was done."

The question whether this fact is truly represented or not being put, it was resolved in the negative.

Ordered, That Mr. Neill wait upon the House of Assembly with the resolution respecting the appointment of commissioners on commercial business, &c.; who, being returned, reported the delivery thereof according to order.

Mr. McCall, a member of the House of Assembly, attending, was admitted and delivered to the Chair the following papers, to wit: The bill for the suppression of idleness, vice, and immorality, with the paper of amendments proposed thereto by Council, and agreed to by the House of Assembly, and a paper of amendments proposed by the House of Assembly to the said bill; as also the resignation of James Tilton of the office of State Treasurer, with the following verbal message.

VERBAL MESSAGE FROM THE HOUSE OF ASSEMBLY.

Gentlemen:

The House of Assembly having taken into consideration your

message of Thursday last, declaring your readiness to meet this House for the purpose of putting into nomination persons to supply any vacancies necessary to be filled, by the choice of the General Assembly generally, or in conjunction with his Excellency, the President, propose to meet your honorable House in the Council Chamber forthwith, for the purpose of putting in nomination persons to be balloted for to fill the offices of State Treasurer, Judge of the Court of Common Pleas and Orphans' Court for Kent County, and a commissioner to complete a settlement of the accounts of this State with the United States.

The said papers were read, and the amendments proposed by the House of Assembly to the said bill for the suppression of idleness, &c., were acceded to by Council.

Ordered, That Mr. D. Polk wait upon the House of Assembly with the said bill and the several papers of amendments, and inform them that Council agree to the amendments proposed by that House to the said bill;

Who, being returned, reported the delivery thereof according to order.

The resignation of James Tilton, Esq., of his office of State Treasurer, being read, it appeared to have been thus acted upon by the House of Assembly:

IN THE HOUSE OF ASSEMBLY, June 24th, 1786.

The preceding resignation was presented to the House and read; thereupon

Resolved, That the said resignation be accepted upon condition that the said James Tilton continue to discharge the duties of his said office until the tenth of July next.

JAMES BOOTH, *Cl'k of Assembly.*

Thus acted upon in Council, June 24th, 1786. Read and concurred in.

STE. SYKES, *Cl'k C. P. T.*

The Council and the House of Assembly now met in the Council Chamber for the purpose of electing persons to fill the offices of State Treasurer, and of Judge of the Court of Common Pleas and Orphans' Court for the County of Kent, which office of

Judge is presently vacant by the death of Mr. Lockwood; and a Commissioner to complete a settlement of the accounts of this State with the United States.

Nomination of persons for State Treasurer.

Joshua Clayton, Esquire, by George Read, Esquire.
John Baning, Esquire, by John Patten, Esquire.

Nomination of persons for Judge of the Court of Common Pleas and Orphans' Court for Kent County.

Allen McLane, Esquire, by Mark McCall, Esquire.
Isaac Carty, Esquire, by William Clark, Esquire.
Richard Smith, Esquire, by John Patten, Esquire.
Thomas White, Esquire, by John Revell, Esquire.
James Bellach, Esquire, by Charles Nixon, Esquire.

Nomination for Commissioner to complete a settlement, &c.

Eleazer McComb, Esquire, by James Tilton, Esquire.

On motion,

Ordered, That Messrs. Clark, Nixon, and Mitchell be a committee to wait on his Excellency, the President, and inform him that the General Assembly will be convened in a quarter of an hour for the purpose of balloting for Judge of the Court of Common Pleas and Orphans' Court for the County of Kent.

The Houses then separated for a quarter of an hour.

The committee report that they waited on his Excellency, and he was pleased to say he was in readiness to attend the General Assembly. The gentlemen of the committee are desired to introduce him into the Council Chamber, who conducted him in accordingly, and he took his seat, when the Houses proceeded to the balloting for State Treasurer, and it appearing that the votes were unanimously in favor of Joshua Clayton, Esquire, as State Treasurer, he is declared to be duly elected.

Then the President and members of both Houses proceeded to ballot for second Judge of the Court of Common Pleas and Orphans' Court to supply the vacancy occasioned by the death of Richard Lockwood, Esquire, and it appearing that the votes were unanimously in favor of Richard Smith, Esq., thereupon the said Richard Smith is declared to be duly elected second

Judge of the Court of Common Pleas and Orphans' Court for the County of Kent.

They then proceeded to ballot for third Judge of the Court of Common Pleas and Orphans' Court in the stead of Richard Smith, late third Judge of the said Court, and it appearing that the votes were unanimously in favor of Thomas White, Esquire, thereupon the said Thomas White is declared to be duly elected third Judge of the Court of Common Pleas and Orphans' Court for the County of Kent.

The President and the members of the two Houses then proceeded to ballot for fourth Judge of the Court of Common Pleas and Orphans' Court in the stead of Thomas White, Esquire, and it appearing that there was a majority of votes in favor of James Bellach, Esquire, thereupon the said James Bellach is declared to be duly elected fourth Justice of the said Court for the County aforesaid.

The two Houses now proceeded to ballot for a Commissioner to complete a settlement of accounts of this State with the United States, and it appearing that the votes were unanimously in favor of Eleazer McComb, Esquire, thereupon the said Eleazer McComb is declared to be duly elected Commissioner to complete a settlement, &c.

Mr. Patten, a member of the House of Assembly, attending, was admitted and delivered to the Chair the following papers, to wit: "An act for raising twenty-three thousand six hundred and twenty-five pounds for the service of the year one thousand seven hundred and eighty-six;" "A supplementary act to an act entitled 'An act for calling in and destroying such of the Bills of Credit, emitted by virtue of any law of this State passed under the present or former government thereof, as are now outstanding, and for other purposes therein mentioned;'" "A supplementary act to an act entitled 'An act to invest the Congress of the United States with the power to levy the duties, &c.;'" "An act for the suppression of idleness, vice, and immorality;" a resolution for the payment of £60 to Jacob A. Killen, on account of printing work done for this State; a resolution for affixing the Great Seal to four laws passed the 24th June, 1786, together with the original draughts of the bills mentioned, and the several papers of amendments proposed and agreed to to the bill for raising £21,000, &c.

The resolution for the payment of £60 to Jacob A. Killen:

IN THE HOUSE OF ASSEMBLY, June 24, 1786.

On motion,

Resolved, That the Speakers of both Houses draw an order on the State Treasurer for the payment of sixty pounds to Jacob A. Killen, on account of printing work done for this State, he to be accountable.

JAS. BOOTH, *Cl'k of Assembly.*

Sent for concurrence.

Thus acted upon in Council, June 24th, 1786. Read and concurred in.

STE. SYKES, *Cl'k Council pro tem.*

Mr. Broom delivered a resolution of the House of Assembly for the payment of thirty-five pounds to his Excellency, the President, for his expenses in attending the General Assembly at their present session.

The said resolution was concurred in by Council; whereupon

Resolved, That an order be drawn on the State Treasurer for the payment of the said sum to his Excellency.

Which was accordingly done, and the said order signed by the Speakers of both Houses.

On motion, by order,

The resolution of the House of Assembly for affixing the Great Seal to the following bills, was read and concurred in by Council, and is as follows, viz:

IN THE HOUSE OF ASSEMBLY, June 24, 1786.

On motion,

Resolved, That the President and Commander-in-Chief affix the Great Seal of this State to the following laws:

1. "A supplementary act to the act entitled 'An act to invest the Congress of the United States with the power to levy duties upon all goods, wares, and merchandise imported into this State

from beyond the seas, for a limited time, and to establish a fund for the payment of interest arising on the public debt;' "

2. "An act for the suppression of idleness, vice, and immorality;"

3. "A supplementary act to an act entitled 'An act for calling in and destroying such of the Bills of Credit, emitted by virtue of any law of this State passed under the present or former Government thereof, as are now outstanding, and for other purposes therein mentioned;' "

4. "An act for raising twenty-three thousand six hundred and twenty-five pounds for the service of the year one thousand seven hundred and eighty-six."

JAS. BOOTH, *Cl'k of Assembly.*

Sent for concurrence.

The Council allowed the following accounts, viz:

To the Hon. Thos. McDonough, Esq., Speaker, for 29 days' attendance and mileage, ...	£27	2	0
To George Craghead, Esq., for 29 do. do., . . .	19	1	4
To George Read, Esq., for 21 do. do., ...	14	2	0
To Silas Snow, Esq., for 25 do. do., ...	15	6	8
To James Tilton, Esq., for 24 do., ...	14	8	0
To John Baning, Esq., for 24 do., ...	14	8	0
To Joshua Polk, Esq., for 12 do. do., ...	8	5	4
To Henry Neill, Esq., for 8 do. do., ...	6	6	0
To Daniel Polk, Esq., for 13 do. do., ...	9	1	0
To Mr. Ste. Sykes, 24 do. as Clerk pro. tem., . .	15	16	10½
To James Newnam, for 26 do. as Doorkeeper, . .	10	10	0
To Mrs. Elizabeth Battell, for the use of a room during this sitting, ...	13	0	0
	£167	7	2½

On motion,

Resolved, That orders be drawn on the State Treasurer, and signed by the Speaker, for the payment of the several sums aforesaid. Whereupon said orders were drawn and signed.

Council adjourned to the 20th day of October next.

MEMBERS' NAMES.

FOR NEW CASTLE COUNTY:

GEORGE CRAGHEAD, *Speaker*, GEORGE READ,
NICHOLAS VANDYKE.

FOR KENT COUNTY:

SILAS SNOW, JAMES TILTON, JOHN BANING.

FOR SUSSEX COUNTY:

HENRY NEILL, DANIEL POLK, ALEXANDER LAWS.

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

At a session of the Council convened at Dover, October 20th, 1786, a sufficient number of the members not having met to form a quorum on that day, they adjourned from day to day until Tuesday, the 24th of the same month, when there appeared as follows:

For New Castle County—George Craghead, Nicholas Vandyke.

For Kent County—Silas Snow, James Tilton, John Baning.

For Sussex County—Henry Neill, Alexander Laws.

And the said members being so met in Council, certain indentures, certifying the election of Nicholas Vandyke, Esquire, a member of Council for the County of New Castle; John Baning, Esquire, a member of Council for the County of Kent; and Alexander Laws, Esquire, a member of Council for the County of Sussex, were respectively produced and read, whereby it appeared to the Council that they were severally duly elected to represent the said Counties as members of the Legislative Council of the Delaware State, at the last annual election held in the said Counties of New Castle, Kent and Sussex, on the second day of this instant, October, (the first day being Sunday,) for three years next ensuing the said election.

The Council proceeded to the choice of a Speaker, and the Honorable George Craghead, Esquire, was unanimously chosen.

Mr. Baning and Mr. Laws took and subscribed the oath of

fidelity and the declaration of faith prescribed by the Constitution. [*See note on page 10.*]

On motion, by order,

The rules to be observed by members of Council during the sitting thereof, made and agreed to in the year 1776, were read.

Resolved thereupon, That the above mentioned rules be the Rules of this House during the present session, with this addition, proposed by Mr. Tilton:

6. That from and after the first day of meeting, during the sitting of Council, it shall be the first business of every day to read, and correct (if necessary), the minutes of the preceding day.

Adjourned till 3 o'clock this afternoon.

EODEM DIE, P. M.

Council met. Present the same members as in the forenoon, except Mr. Vandyke.

Adjourned till to-morrow morning, 10 o'clock.

WEDNESDAY, October 25th, A. M.

Council met. The minutes of yesterday were read.

Adjourned till 3 o'clock, P. M.

EODEM DIE, P. M.

Council met.

Mr. Vandyke took the oath of fidelity to the State and subscribed the same and declaration of faith, and took his seat in Council.

Mr. Read appeared in Council and took his seat.

Mr. Moore, a member of Assembly, attending, was admitted and delivered to the Chair a verbal message from the House of Assembly, which, on motion, by order, was read, and follows in these words, viz:

IN THE HOUSE OF ASSEMBLY OF THE DELAWARE STATE,
WEDNESDAY, P. M., October 25th, 1786.

On motion,

Ordered, That Mr. Moore wait on the Council with the following verbal message:

Gentlemen:

The place of President and Commander-in-Chief of this State being now vacant, by the expiration of the term limited by the Constitution to the late President, the House of Assembly propose, to the honorable the Council, that both Houses of the General Assembly meet, in the Council Chamber, to-morrow, at four o'clock in the afternoon, for the purpose of nominating persons, out of whom one shall be elected by ballot to be President and Commander-in-Chief of this State; and that both Houses do also, at the same time and place, nominate persons to be balloted for to represent this State in the Congress of the United States, from the first Monday in November next until the first Monday in November in the year one thousand seven hundred and eighty-seven.

JAS. BOOTH, *Cl'k of Assembly.*

On motion, that a committee of three be appointed to bring in a bill to alter, amend, and continue the act entitled "An act for the auditing and arranging the accounts of this State, and for the more effectual settlement of the same," ordered, thereupon, that

Messrs. Read, Vandyke, and Laws be a committee for that purpose.

Mr. Neill, having urgent business to transact at home, requested leave of absence for the remaining part of this week, which is granted.

Adjourned to ten o'clock to-morrow morning.

THURSDAY, October 26th, A. M.

Council met. The minutes of yesterday were read.

The verbal message from the House of Assembly respecting the meeting of both Houses, in the Council Chamber, at four o'clock this afternoon, in order to put in nomination persons, one of whom to be elected President and Commander-in-Chief of this State, and also persons to represent this State in the Congress of the United States, was read a second time and concurred in.

Ordered, That Mr. Laws wait on the House of Assembly and return the said verbal message, concurred in by Council;

Who, being returned, reported he had delivered the message according to order.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met.

Mr. Gordon, a member of Assembly, attending, was admitted and delivered to the Chair the following papers, viz: A message from the President of the 24th October, 1786; a letter from the Secretary of Congress, notifying the election of a President, June

6th, 1786; communication from the American Minister at Paris, respecting contracts for tobacco; and a letter from the Secretary for Foreign Affairs, of April 26th, 1786; a letter from the Secretary for Foreign Affairs, communicating Mr. Adams' letter, &c., July, 1786; communications from the American Minister at the Court of London, 4th March, 1786; representation in Congress for June, July, August and September, 1786; letter from the Secretary of Congress; resolution respecting negroes taken off by the British; resolution of Congress and letter from the Secretary touching their claim upon the different States to comply with the formation of the Sovereignty of the Union, and sending forward their delegates; appointment of commissioners, by Rhode Island, for the purpose of forming commercial regulatations; letter from Secretary of Congress, 4th October, 1786; ordinance for regulation of Indian affairs, 7th Aug., 1786; letter from Secretary of Congress, 1st July, 1786; letter from Secretary of Congress of September 5th, 1786; letter from the Board of Treasury of September 25th, 1786; requisition of Congress of 2d August, 1786; resolutions for ascertaining the standard and money unit of the United States; address from the Commercial Convention at Annapolis of 14th September, 1786; letter from the Chairman of the Commercial Convention of Sept. 21st, 1786; resolution of Congress on the subject of paper money, Sept. 18th, 1786; resolution of Congress, recommending a cession of western territory, of the 9th of August, 1786; a letter from the Secretary of Congress, of the 12th August, 1786; and a letter from the Secretary of Congress, of 2d October, 1786; which, by order, were severally read.

Mr. McCall, a member of Assembly, attending, was admitted and informed the Council that the House of Assembly were ready to attend Council on the business of putting in nomination persons for President and Delegates to Congress.

On motion,

Ordered, That Mr. Snow wait on the House of Assembly and inform them that Council were ready to receive them, in their Chamber, on the above mentioned business;

Who, being returned, reported he had delivered the message committed to his charge.

The House of Assembly, now attending in the Council Cham-

ber, agreeable to the order of the day, to put in nomination persons, one of whom to be elected President and Commander-in-Chief of this State, and also persons to represent this State in the Congress of the United States.

Nominated for President, &c.—Thomas Collins, Esquire, by Mr. Broom.

On motion,

Resolved by both Houses, That three Delegates be elected to represent this State in the Congress of the United States.

The nomination for Delegates for Congress was then proceeded in.

Mr. Broom proposes Nicholas Vandyke, Esquire.
Mr. Rodney proposes Gunning Bedford, Esq., of New Castle.
Mr. Polk proposes Major Nathaniel Mitchell.
Mr. Read proposes Alexander Porter, Esquire.
Mr. Gordon proposes Thomas Rodney, Esquire.
Mr. Snow proposes Major John Patten.
Mr. McCall proposes Isaac Carty, Esquire.
Mr. Hyatt proposes William Peery, Esquire.
Mr. Shankland proposes Col. John Jones.

Then the two Houses separated.

Council adjourned to 10 o'clock to-morrow morning.

FRIDAY, October 27, A. M.

Council met. The minutes of yesterday were read.

Mr. Duff, a member of Assembly, attending, was admitted and delivered to the Chair a verbal message from the House of Assembly, which follows in these words, viz:

A VERBAL MESSAGE FROM THE HOUSE OF ASSEMBLY TO THE COUNCIL.

Gentlemen:

The House of Assembly propose to the honorable the Council that both Houses of the General Assembly meet, in the Assembly Room, at four o'clock this afternoon, for the purpose of electing, by ballot, out of the persons put in nomination yesterday, a President of this State, and Delegates to represent the State in the Congress of the United States.

Friday, A. M., October 27th, 1786.

Which, by order, was read.

The committee appointed to bring in a bill to alter, amend, and continue the act entitled "An act for auditing and arranging the accounts of this State, and for the more effectual settlement of the same," do now report that they had essayed a draught of a bill for that purpose, which they laid on the table.

On motion, by order, the same was read, and, by special order, read the second time, and it shall pass.

Ordered, on motion, that Mr. Snow wait on the House of Assembly with the said bill, for concurrence, and the verbal message concurred in by Council.

Adjourned to 3 o'clock.

FRIDAY, Oct. 27th, P. M.

Council met.

Mr. Snow reported that he had delivered the papers committed to his charge to the House of Assembly, according to order.

Mr. McCall, a member of Assembly, attending, was admitted and informed Council that the House of Assembly were ready to receive them for the purpose of balloting for the President of the State and members of Congress to represent this State in the Congress of the United States.

The Council attended the House of Assembly in order to ballot for a President and Commander-in-Chief of this State, and also members of Congress from this State to the Congress of the United States, and the votes being received by the Speakers for President, and read, it appeared that Thomas Collins, Esq., was unanimously chosen, and is declared duly elected as President and Commander-in-Chief of this State.

The two Houses then proceeded to the choice of three persons for Delegates in Congress, and the votes being received by the Speakers and read, it appeared that Thomas Rodney, Nathaniel Mitchell, and Gunning Bedford, Esquires, were chosen by a majority of votes and are declared duly elected.

On motion,

Resolved by both Houses, That the Speakers inform Mr. Collins of his being elected President and Commander-in-Chief of this State, and require his answer to-morrow whether he will accept the same.

Then the two Houses separated.

Council adjourned to 10 o'clock to-morrow morning.

SATURDAY, 28th, A. M.

Council met. The minutes of yesterday were read.

The Speaker informed Council that the Speakers of the two Houses had written a letter to Mr. Collins, agreeable to the order of yesterday; that this morning they received an answer to the same.

On motion, by order, the letter from Mr. Collins was read, wherein he expresses his high sense of the honor conferred upon him by his being elected to that honorable office by the unanimous voice of the General Assembly, that therefore, however unqualified he may consider himself for filling that station, he shall accept it.

Ordered, on motion, that Mr. Tilton wait on the House of Assembly and deliver to the Speaker thereof the letter from Mr. Collins;

Who, being returned, reported that he had delivered the same according to order.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met.

Mr. Polk, a member of Assembly, attending, was admitted and delivered to the Chair a bill entitled "An act for suspending executions for a limited time;" which, on motion, by order, was read.

Ordered to lie on the table.

Mr. Davis, a member of Assembly, attending, was admitted and delivered to the Chair a bill entitled "An act for continuing an act entitled 'An act for the auditing and arranging the accounts of this State, and for the more effectual settlement of the same,'" with a resolution of that House of their intending to adjourn the present sessions this evening to some future day; which, on motion, by order, were severally read.

By special order, the said bill last mentioned was read a second time, and it shall pass.

On motion,

Ordered, That a certificate of the appointment of the Honorable Thomas Collins, Esq., to the office of President and Commander-in-Chief of the State, signed by the Speakers of the two Houses, and sealed with the Great Seal of the State, be made out and delivered to Mr. Collins.

On motion,

Resolved, That the Speaker of the Council be authorized to

administer as well the oath of allegiance and declaration of faith as the oath of office, to the Honorable Thomas Collins, Esquire, now appointed President and Commander-in-Chief of this State, as directed by the twenty-second section of the system of Government, and that the same be certified into the Secretary's office.

On motion,

Ordered, That Mr. Laws wait on the House of Assembly and deliver the order and resolution of Council respecting the qualifying the Honorable Thomas Collins as President of this State, for their concurrence; and also to return the bill for continuing the act for auditing and arranging the accounts of this State, &c., concurred in by Council;

Who, being returned, reported the delivery thereof according to order.

Mr. Porter, a member of Assembly, attending, was admitted and delivered to the Chair a report of the Auditor respecting a tombstone erected over the grave of Col. Haslet.

On motion, by special order,

The bill entitled "An act for suspending executions for a limited time," was read a second time, and after some observations thereon, is by Council disagreed to.

Mr. Evans, a member of Assembly, attending, was admitted and delivered to the Chair the resolution and order respecting the qualifying the Honorable Thomas Collins, Esq., as President of this State, concurred in by the House of Assembly; also the certificate of the appointment of Mr. Collins President and Commander-in-Chief of this State, with the Great Seal thereunto affixed, and signed by the Speaker of that House.

The report of the Auditor concerning the tombstone over the grave of Col. Haslet, was read and concurred in.

Ordered, That the Speaker of Council sign an order in favor of Eleazer McComb, Esq., for £5 : 14 : 6, the balance remaining due to the workmen for that tombstone.

On motion,

Ordered, That Mr. Snow wait on the House of Assembly and return the bill entitled "An act for suspending executions for a limited time," disagreed to by Council; also the report of the Auditor with respect to Col. Haslet's tombstone, agreed to by Council.

Adjourned for half an hour.

Council met according to adjournment.

The Speaker now reported that, in pursuance of the direction of the General Assembly, he had proceeded to administer the oath of fidelity to the State and the oath of office to his Excellency Thomas Collins, Esquire, President and Commander-in-Chief of this State, and that he took and subscribed the declaration of faith in his presence, and that he had delivered him the certificate of his appointment, signed by the Speakers of both Houses, and certified the same into the Secretary's office.

On motion,

Ordered, That the following accounts be allowed, and that orders be drawn and signed by the Speaker for the same; which was done accordingly, to wit:

To the Honorable George Craghead, Speaker, for 7 days' attendance and mileage,	£7	16	0
To George Read, Esq., for 6 days' attendance and mileage,	5	2	0
To Nicholas Vandyke, Esq., for 7 days' attendance and mileage,	5	7	4
To Silas Snow, Esq., for 7 days' attendance and do.,	4	10	8
To James Tilton, Esq., for 7 days' attendance,	4	4	0
To John Baning, Esq., for 7 days' attendance,	4	4	0
To Henry Neill, Esq., for 3 days' attendance and mileage,	3	6	6
To Alexander Laws, Esq., for 7 days' attendance and do.,	5	6	0
Carried forward,	£ 39	16	6

Brought over, ...	£ 39	16	6
To James Sykes, Esq., for 9 days' attendance and paper, ...	5	17	10
To James Sykes, Esq., for cash paid George Rowon, for a press to keep the papers of Council, . . .	4	5	0
To James Newnam, Doorkeeper, for attendance and riding express, ...	4	0	0
To Mrs. Elizabeth Battell, for the use of a room, firewood and candles, ...	5	0	0
	£ 58	19	4

Mr. Grantham, a member of Assembly, attending, was admitted and delivered to the Chair an engrossed bill entitled "An act for continuing an act entitled 'An act for the auditing and arranging the accounts of this State, and for the more effectual settlement of the same,' " signed by the Speaker of that House; a resolution for affixing the Great Seal to that law, and an order for £5 : 14 : 6, the balance remaining unpaid on Col. Haslet's tombstone, signed by the Speaker of that House also.

On motion,

Ordered, That the Speaker of Council sign the order in favor of Eleazer McComb for £5 : 14 : 6, the balance unpaid on Col. Haslet's tombstone.

Which was done accordingly, and the resolution for affixing the Great Seal to the last mentioned bill concurred in.

The said bill was read and compared, and, by order, signed by the Speaker.

On motion,

Ordered, That Mr. Laws wait on the House of Assembly and return the last mentioned bill and resolution for affixing the Great Seal thereunto.

Mr. Broom, a member of Assembly, attending, was admitted and delivered to the Chair a notification from the House of Assembly that they had adjourned to Monday, the eighth day of January next.

Then Council adjourned to the ninth day of January next.

MINUTES OF COUNCIL.

1787.

C.K
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VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

ADJOURNED SESSION, JANUARY, 1787.

JANUARY 9th, 1787.

Council met agreeable to adjournment. Present Mr. Craghead, Mr. Read, Mr. Tilton, Mr. Baning, Mr. Polk, and Mr. Laws.

Adjourned to 10 o'clock to-morrow morning.

WEDNESDAY, 10th, A. M.

Council met and adjourned to 10 o'clock to-morrow morning.

THURSDAY, 11th, A. M.

Council met and adjourned to 3 o'clock this afternoon.

EODEM DIE, P. M.

Council met. Mr. Snow appeared and took his seat.

Adjourned to 10 o'clock to-morrow morning.

FRIDAY, January 12th, A. M.

Council met. Present the same members as on yesterday.

Adjourned to 3 o'clock this afternoon.

EODEM DIE, P. M.

Council met. Present the same members.

Adjourned to 10 o'clock to-morrow morning.

SATURDAY, January 13th, A. M.

Council met.

Mr. McCall, a member of Assembly, was admitted and delivered to the Chair a resolution of that House, which, by order, was read, and follows in these words, viz:

IN THE HOUSE OF ASSEMBLY,

FRIDAY, A. M., Jan. 12, 1787.

On motion,

Resolved unanimously, That this House will not take into consideration any new business within the space of two days before the conclusion of the sitting of this House, and that a copy of this resolution be sent to the Council for their information.

JAS. BOOTH, *Cl'k of Assembly.*

Adjourned to 4 o'clock, P. M.

EODEM DIE, P. M.

Council met. Mr. Vandyke appeared in the House and took his seat.

Adjourned to Monday morning next at 10 o'clock.

MONDAY, January 15th, A. M.

Council met and adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Mr. Neill appeared in the House and took his seat.

The committee to whom was referred the bill entitled "An act for the more equal assessment of property within this State, and for other purposes therein mentioned," now reported the same, which they submitted to the consideration of the House.

On motion, ordered, that the said bill be taken up and proceeded upon to-morrow morning.

Mr. Read presented to the Chair a letter from Gunning Bedford, Esquire, Prothonotary of New Castle County, addressed to the General Assembly of this State, which, on motion, was read, wherein he acknowledged the honor done him by his appointment to the important trust of one of the Delegates from this State to the United States in Congress, and representing that, from his present situation, he could not give that attendance there which he apprehends necessary, and humbly requests that he may be excused from that duty, and that some other person may be appointed in his place.

On motion,

Ordered, That Mr. Polk wait on the House of Assembly and deliver the letter aforesaid;

Who, being returned, reported that he had delivered the same according to order.

Adjourned to ten o'clock to-morrow morning.

Council met pursuant to [illegible] o'clock, P. M.

TUESDAY, January 16th, A. M.

Council met. Present all the members.

The minutes of yesterday were read.

Agreeable to the order of the day, Council took up and proceeded to the reading, by paragraphs, the bill entitled "An act for the more equal assessment of property within this State, and for other purposes therein mentioned," which, after some time spent therein, is deferred to further consideration until the afternoon.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present the same members, and resumed the consideration of the last mentioned bill, and after sundry paragraphs being read and agreed to, the further consideration thereof is deferred till to-morrow morning.

Adjourned to 10 o'clock to-morrow morning.

WEDNESDAY, January 17, A. M.

Council met. Present all the members.

The minutes of yesterday were read.

Council proceeded to reading the remaining parts of the bill entitled "An act for the more equal assessment of property within this State, and for other purposes therein mentioned,"

and after some progress made therein, is postponed till the afternoon.

Mr. Porter, a member of Assembly, attending, was admitted and delivered to the Chair the accounts of John McKinly, Esq., with the amendments proposed by Council thereunto, to which the House of Assembly acceded; also a general statement of the monies due from this State to him, and resolutions of that House that orders be drawn on the State Treasurer in his favor for the same, signed by the Speakers of both Houses, and sent to Council for concurrence.

Ordered to lie on the table.

Adjourned to 3 o'clock this afternoon.

EODEM DIE, P. M.

Council met. Present all the members.

The Speaker presented a letter from Mr. William Winder, Commissioner for settling the accounts between the State of Delaware and the United States; which, by order, was read and referred to a committee of three, to report thereon.

Whereupon Messrs. Vandyke, Tilton, and Laws are appointed a committee for that purpose.

The statement of the accounts of John McKinly, Esquire, as agreed to by the House of Assembly, was read and concurred in.

Resolved, That the Speaker of Council sign the orders to be drawn in favor of the said John McKinly for the sums and in the manner as specified in the resolutions sent up by the House of Assembly, and concurred in by Council, are expressed.

On motion,

Ordered, That Mr. Snow wait on the House of Assembly with the accounts of John McKinly, Esquire, and the statement thereof made by that House and acceded to by Council.

Who, being returned, reported he had delivered the same according to order.

Council resumed the consideration of the bill entitled "An act for the more equal assessment of property within this State, and for other purposes therein mentioned," and after some time spent therein, is deferred till to-morrow morning.

Adjourned to 10 o'clock to-morrow morning.

THURSDAY, January 18th, A. M.

Council met. Present all the members.

Mr. Duff, a member of Assembly, was admitted and delivered to the Chair a bill entitled "An act to prevent the exportation of slaves from this State to either of the Carolinas, Georgia, or the West Indies, and for other purposes," for the consideration and concurrence of Council.

On motion, by order, the said bill was read.

Council resumed the consideration of the bill entitled "An act for the more equal assessment of property within this State, and for other purposes therein mentioned," completed the reading thereof, agreed to sundry amendments, and it shall pass and be sent to the House of Assembly for consideration and concurrence.

Ordered, That Mr. Neill wait on the House of Assembly and deliver the said bill;

Who, being returned, reported the delivery thereof according to order.

The committee to whom was referred the letter of Mr. Winder now reported thereon.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present all the members.

On motion, by order, the report of the committee to whom was referred the letter of Mr. Winder, was read and acted upon, as follows:

WHEREAS it appears from the representation of Mr. Commissioner Winder that there remains in his office a few claims for supplies furnished and services rendered to the United States by citizens of this State, some of which he, the said Commissioner, cannot liquidate and settle without further evidence, and other of those claims, though sufficient evidence of the same, that none of the persons to whom they appear to be due, or any others authorized to receive them and give discharges, have applied to the Commissioner, and the term of his appointment will shortly expire; therefore

Resolved, That James Booth, Esq., the Secretary, is hereby appointed and authorized to receive from the Commissioner aforesaid all and every of the accounts and claims for supplies as aforesaid whereof the said Commissioner shall not have sufficient evidence, in his opinion, to liquidate and settle, and also all and every certificate which may be issued by the said Commissioner, in discharge of the balances of the aforesaid claims, which he may liquidate before the term of his office shall expire, belonging to or in favor of any citizen of this State; and that Mr. Secretary give his receipt to the Commissioner for the same, which, in the opinion of this General Assembly, ought to be considered as a sufficient voucher to discharge the said Commissioner from the claim of the parties entitled to such certificates or accounts.

Resolved also, That the Secretary forthwith, after such delivery and receipt from the Commissioner, notify the persons interested in such accounts and certificates of their being in his possession for their use, and on their respective applications to deliver over the same, taking receipts therefor, and from time to time report his proceedings in the premises to the General Assembly.

On motion,

Ordered, That Mr. Laws wait on the House of Assembly and deliver Mr. Commissioner Winder's letter, and the resolutions of Council founded thereupon, for consideration and concurrence;

Who, being returned, reported the delivery thereof.

On motion, by order,

The bill entitled "An act to enable all the religious denominations in this State to appoint Trustees, who shall be a body corporate for the purpose of taking care of the temporalities of their respective congregations," is to be taken into consideration to-morrow morning.

On motion, by order,

The bill entitled "An act to prevent the exportation of slaves from this State to either of the Carolinas, Georgia, or the West Indies, and for other purposes," was read a second time.

Adjourned to ten o'clock to-morrow morning.

FRIDAY, January 19th, 1787, A. M.

Council met. Present all the members.

The minutes of yesterday were read.

Doctor Evans, a member of Assembly, was admitted and delivered to the Chair a bill entitled "An act to compel executors to give security for the faithful discharge of the duty reposed in them by their testators."

On motion, by order, the last mentioned bill was read.

Agreeable to the order of the day, Council proceeded to the consideration of the bill entitled "An act to enable all the religious denominations in this State to appoint Trustees, &c.," and after some time spent therein is deferred until the afternoon.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present all the members, and resumed the consideration of the last mentioned bill, which, being read by paragraphs, sundry amendments were proposed and agreed to, and it shall pass.

On motion,

Ordered, That Mr. Snow wait on the House of Assembly with this bill, for their consideration and concurrence, with the petitions on that subject;

Who reported the delivery thereof.

Messrs. Laws and Neill have leave of absence until Tuesday evening next.

Adjourned to 10 o'clock to-morrow morning.

SATURDAY, January 20th, A. M.

Council met. Present all the members, except Messrs. Tilton, Neill, Laws, and Polk.

Mr. McCall, a member of Assembly, was admitted and returned to the Chair the bill entitled "An act for the amending and continuing the provisions made in the act entitled 'An act for the auditing and arranging the accounts of this State, and for the more effectual settlement of the same,' " sent to that House for consideration and concurrence, with sundry amendments proposed thereto by the House of Assembly; which amendments were, on motion, by order, read.

Adjourned to 10 o'clock on Monday morning next.

MONDAY, January 22d, 1787, A. M.

Council met and adjourned to 10 o'clock to-morrow morning.

TUESDAY, 23d, A. M.

Council met. Present all the members, except Messrs. Neill, Polk and Laws.

The minutes of Saturday were read.

Mr. Speaker laid a letter on the table from John Dickinson, Esquire, addressed to him, recommending Mr. John Fitch as a person who is endeavoring to introduce the use of steam engines into this country, &c.

On motion, by order, the letter was read and referred to a committee of three, viz: Messrs. Vandyke, Snow, and Tilton, who are to report thereon.

On motion, by order, the amendments proposed by the House of Assembly to the bill entitled "An act for amending and continuing the provisions made in the act entitled 'An act for the auditing and arranging the accounts of this State, &c.,'" was read a second time.

On motion, by order,

The bill entitled "An act to compel executors to give security, &c.," was read a second time.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present the same members as in the forenoon.

The committee to whom was referred Mr. Dickinson's letter in favor of Mr. Fitch, now reported that they had conversed with Mr. Fitch on the subject, that he informed them he had applied to the House of Assembly respecting the matter mentioned in that letter, and the committee, expecting the Council would receive communications from that House, thought it unnecessary to make further inquiry of Mr. Fitch relative thereto.

Adjourned to 10 o'clock to-morrow morning.

WEDNESDAY, January 24th, A. M.

Council met. Present all the members, except Messrs. Neill and Polk.

The minutes of yesterday were read.

Mr. Cannon, a member of Assembly, was admitted and delivered to the Chair a bill entitled "An act to enable the owners and possessors of a certain parcel of marsh, meadow, and cripple, hereinafter described, situate on Little St. Georges Creek, in St. Georges Hundred, in New Castle County, fronting the River Delaware, to keep the banks, dams, sluices and floodgates thereof in repair," with the petition of the owners and possessors thereof, and a newspaper, containing an advertisement giving notice of their intended application to the General Assembly for leave to bring in the said bill.

Mr. Gordon, a member of Assembly, was admitted and delivered to the Chair a bill entitled "An act to appoint Edward Oldham and Mary, his wife, trustees to take care of the property of Joseph Ensor, an idiot," together with a petition for leave to bring in such a bill, and two acts of the Legislature of the State

of Maryland thereon so far as the estate of said Joseph is within that State.

On motion, by order,

The bill entitled "An act for amending and continuing the provisions made in the act entitled 'An act for the auditing and arranging the accounts of this State, &c.,' " was taken into consideration, with the amendments proposed by the House of Assembly thereunto, all of which was agreed to but the 3d and 4th, to which Council proposed amendments.

On motion,

Ordered, That Mr. Laws wait on the House of Assembly and return the said bill and amendments, and the proposed amendments of Council, for their consideration and concurrence;

Who, being returned, reported the delivery thereof.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present the same members.

On motion, by order,

The bill entitled "An act to enable the owners and possessors of a certain parcel of marsh, meadow, and cripple on Little St. Georges Creek, in New Castle County, &c.," was read.

On motion, by order,

The bill entitled "An act to appoint Edward Oldham and Mary, his wife, to take care of the property of Joseph Ensor, an idiot," with the petition and papers accompanying the same, were read.

Mr. Neill, who had leave of absence, now appeared.

Adjourned to 10 o'clock to-morrow morning.

THURSDAY, January 25th, A. M.

Council met. Present all the members, Mr. Polk, who had leave of absence, having now appeared.

The minutes of yesterday were read.

On motion, ordered,

That the bill entitled "An act to prevent the exportation of slaves from this State, &c.," be taken up and considered to-morrow morning.

On motion, ordered,

That the bill entitled "An act to oblige executors to give security, &c.," be taken up and proceeded upon on Tuesday morning next.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present all the members.

On motion, by order,

The bill entitled "An act to appoint Edward Oldham and Mary, his wife, trustees of the estate of Joseph Ensor," was read, by paragraphs, and some amendments proposed thereunto.

On motion,

Ordered, That Mr. Polk wait on the House of Assembly and return the said bill with the amendments, as also the papers that accompanied the same;

Who, being returned, reported the delivery thereof.

Mr. Hayes, a member of Assembly, was admitted and de-

livered to the Chair the bill entitled "An act for amending and continuing the provisions made in the act entitled 'An act for the auditing and arranging the accounts of this State, &c.,'" with the amendments of Council to those of the House of Assembly, to the first of which that House had disagreed, and to the second had agreed; also returned the bill entitled "An act to enable all the religious denominations in this State to appoint Trustees, &c.," with some amendments proposed thereunto.

Adjourned to 10 o'clock to-morrow morning.

FRIDAY, January 26th, A. M.

Council met. Present all the members.

The minutes of yesterday were read.

On motion, by order,

The amendments proposed by the House of Assembly to the bill entitled "An act to enable all the religious denominations in this State to appoint Trustees, &c.," were taken into consideration—the first and third whereof were agreed to, the second and fourth disagreed to.

On motion,

Ordered, That Mr. Neill wait on the House of Assembly and return the said bill and amendments thus acted upon by Council;

Who, being returned, reported the delivery thereof.

Agreeable to the order of the day, Council took into consideration the bill entitled "An act to prevent the exportation of slaves to either of the Carolinas, &c.," which, after some time spent therein, on motion, is referred to a committee of three, viz: Messrs. Vandyke, Neill, and Tilton, to report thereon.

On motion, by order, the several papers sent by the House of Assembly, by Mr. Gordon, a member of that House, to Council, on the 26th of October, 1786, were now returned by Mr. Neill,

except the address from the commercial convention at Annapolis and the letter from the chairman of that convention, which were retained.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present the same members, and adjourned to 10 o'clock to-morrow morning.

SATURDAY, January 27th, A. M.

Council met. Present all the members.

The minutes of yesterday were read.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met.

Doct. Evans, a member of Assembly, was admitted and delivered to the Chair a bill entitled "An act to regulate marriages," for consideration and concurrence; and returned the resolutions of Council concerning Mr. Commissioner Winder's letter, concurred in by the House of Assembly.

On motion, by order, the said bill, to regulate marriages, was read.

Mr. Davis, a member of Assembly, was admitted and delivered to the Chair the bill entitled "An act to enable all the religious denominations in this State to appoint Trustees, &c.," with the

amendments proposed by that House to the same, to which Council had proposed amendments, to which the House of Assembly had acceded.

On motion, ordered that the said bill be engrossed.

Adjourned to 10 o'clock on Monday morning.

MONDAY, January 29th, 1787, A. M.

Council met. Present the same members as on Saturday.

On motion, by order, the minutes of Council on Saturday last were read.

On motion, by order,

The bill entitled "An act to regulate marriages," was read a second time, and the question being put, the same was unanimously rejected.

On motion,

Ordered, That Mr. Laws wait upon the House of Assembly with the aforesaid bill, as rejected by Council;

Who reported the delivery thereof accordingly.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present the same members.

The committee to whom the bill to prevent the exportation of slaves to either of the Carolinas, &c., was committed, now reported several amendments; which, by order, were read.

Adjourned to 10 o'clock to-morrow morning.

TUESDAY, January 30th, 1787, A. M.

Council met. Present the same members.

The minutes of yesterday were read.

Mr. Gordon, a member of the House of Assembly, attending, was admitted and delivered to the Chair the following papers, to wit: A resolution of that House respecting their adjournment on Saturday next to some future day; an act for securing to John Fitch an exclusive right of constructing the steamboat by him invented, &c.; the petition of John Fitch, with the papers accompanying the same; an act relinquishing the right of this State to the confiscated property late of James Welch, deceased, with the petition and other papers inclosed in the same; a supplementary bill to the act for the recovery of public money due from the estate of J. Vining, Esq.; the memorial of John Vining, and the report thereon; and the bill for the settlement of the Wilmington lottery, with a petition of William Smith, D. D., a petition of the Managers of the Wilmington Lottery, &c., and the article for appropriating the Wilmington lottery; all which papers were read.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present the same members.

The bill entitled "An act to compel executors to give security, &c.," was now taken into consideration, and several amendments proposed to the same, which were read and agreed to.

Ordered, That the aforesaid amendments be transcribed and sent to the House of Assembly for their consideration and concurrence; which was done accordingly.

Ordered, That Mr. Polk wait upon the House of Assembly

with the aforesaid bill, with the amendments proposed thereto by Council;

Who reported the delivery thereof accordingly.

On motion,

Resolved, That Council go into the second reading of the bill entitled "An act for securing to John Fitch an exclusive right of constructing the steamboat, &c.," to-morrow morning.

On motion,

Resolved unanimously, That Council will not sit for the purpose of transacting business after the hour of eleven on Saturday evening.

Ordered, That a copy of this resolution be sent to the House of Assembly for their information.

Ordered, That Mr. Polk wait upon the House of Assembly with the foregoing resolution;

Who delivered the same accordingly.

Adjourned to 10 o'clock to-morrow morning.

WEDNESDAY, January 31st, 1787, A. M.

Council met. Present all the members.

The minutes of yesterday were read.

Agreeably to the order of yesterday, the bill entitled "An act for securing to John Fitch an exclusive right of constructing the steamboat by him invented, &c.," was read a second time, and after some time spent therein, the same was postponed for further consideration.

On motion, by order,

The bill entitled "A supplement to an act entitled 'An act for the recovery of one thousand five hundred and fifty-three pounds eighteen shillings and six pence, due from the estate of John Vin-

ing, Esq., &c.,' " was read a second time, and several amendments proposed thereto, which were agreed to.

Ordered, That the said amendments be transcribed, and that Mr. Polk wait upon the House of Assembly with the aforesaid bill and the amendments proposed thereto, for their consideration and concurrence;

Who reported the delivery thereof.

The Council now took into their consideration the bill entitled "An act for relinquishing the rights of this State to the confiscated property late of James Welsh, deceased," and an amendment to the same was proposed and agreed to.

Ordered, That the aforesaid amendment be transcribed, and that Mr. Polk wait upon the House of Assembly with the said bill and the amendment proposed thereto;

Who reported the delivery thereof.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present all the members.

On motion, by order,

The bill entitled "An act for the settlement of the accounts of the Wilmington lottery," was read a second time.

On motion, by special order, the said bill was read by paragraphs, and some amendments proposed and agreed to.

Ordered to be transcribed, and that Mr. Snow wait on the House of Assembly therewith, with the papers that accompanied the same;

Who reported the delivery thereof.

Mr. Hayes, a member of Assembly, was admitted and deliv-

ered to the Chair the bill entitled "An act to compel executors to give security, &c.," with some amendments proposed by that House to the amendments of Council, which, by order, were read and acceded to.

Ordered, That Mr. Snow wait on the House of Assembly and return the said bill and amendments of that House to the amendments of Council, now acceded to;

Who reported the delivery thereof.

On motion, by order,

The bill entitled "An act to prevent the exportation of slaves to either of the Carolinas, &c.," was read the third time by paragraphs, and several amendments were proposed and agreed to.

Ordered, That the said amendments be transcribed and sent to the House of Assembly for their consideration and concurrence.

Adjourned to 10 o'clock to-morrow morning.

FEBRUARY 1st, 1787, A. M.

Council met. Present all the members.

The minutes of yesterday were read.

Ordered, That Mr. Neill wait upon the House of Assembly with the bill entitled "An act to prevent the exportation of slaves, &c., with the amendments proposed thereto by Council;

Who reported the delivery thereof accordingly.

Mr. Davis, a member of Assembly, was admitted and delivered to the Chair the following papers: The Auditors's report upon the petition of William Killen, Esq., with two petitions accompanying the same; an act for enabling Sydenham Thorne to erect a mill-dam across Mispillion Creek, &c., with the papers accompanying the same.

On motion, by order,

The bill entitled "An act for enabling Sydenham Thorne to erect a mill-dam across Mispillion Creek, and for the condemnation of a small piece of fast land on the Sussex side of the said creek for the use of a grist-mill," with the petition and remonstrance for and against the said bill, and the report of a committee of Assembly upon that business, were severally read.

Also the petition of William Killen, Esquire, on the subject of Col. Haslet's affairs, the petition of the children of Col. Haslet, and the report of the Auditor thereon, were severally read.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met.

Mr. Polk, a member of Assembly, attending, was admitted and delivered to the Chair the bill entitled "An act to prevent the exportation of slaves, &c.," with a paper of amendments proposed by that House to the amendments proposed by Council to the aforesaid bill.

On motion, by order,

The bill for securing to John Fitch an exclusive right of constructing and using the steamboat, &c., was read the third time by paragraphs and passed the House.

On the question being put, "Whether Council agreed to the first paragraph?" it was carried in the affirmative; upon which the yeas and nays were required by Mr. Read, and are as follows:

Yeas—Mr. J. Tilton, Mr. John Baning, Mr. Silas Snow, Mr. Nicholas Vandyke, Mr. Daniel Polk, Mr. Henry Neill.

Nays—Mr. Read, Mr. Laws.

The question being put upon the second paragraph, it was

carried in the affirmative. The yeas and nays were required, as above, and were as upon the first paragraph.

Ordered, That Mr. Neill wait upon the House of Assembly with the bill for securing to John Fitch an exclusive right of constructing and using the steamboat, &c., as concurred in by Council; and the bill to prevent the exportation of slaves, &c., with the paper of amendments proposed thereto by Council, and the paper of amendments proposed by the House of Assembly to those proposed by Council, as agreed to by Council.

Who, being returned, reported the delivery thereof.

On motion, by order, the petitions from Wm. Killen, Esq., and the children of Col. Haslet, and the report of the Auditor thereon, were severally read, and the report of the Auditor agreed to, which follows in these words:

The Auditor of Accounts, to whom was referred the petition of William Killen, Esq., executor of Col. John Haslet, deceased, begs leave to report:

That he has had a conference with the petitioner on the subject of his said petition, and has been furnished by him with a settlement of Col. Haslet's accounts, confirmed by the House of Assembly on the 5th of June, 1779, and by the Legislative Council on the 8th of December following, exhibiting a balance of £234 : 13 : 11 due to the estate of his testator, which the petitioner alleges was paid to him on the 8th of January, 1780, when it was worth only £7 : 15 : 5 in specie. He also alleges that Col. Haslet's estate suffered greatly by the depreciation of the money which came to his hands; nevertheless he is willing to return the two thousand dollars last received by his testator from the United States, in certificates of final settlement, to the same nominal amounts due from the said States to the officers and soldiers of the late American army, provided this State will assume the payment of the said two thousand dollars to the United States.

The Auditor, upon considering the circumstances of the case, is of opinion that this State may with safety accede to the proposal of the petitioner; that the said two thousand dollars will then be settled in a general account with the United States, in which account the certificates of final settlement must be received and accepted as a credit. That with respect to the interest due

on the said sum, it is the opinion of the Auditor that the petitioner's testator's estate should be charged with it, and that the interest due on the certificates of final settlement to be given in exchange should be calculated up to the time of exchange.

ELEAZER McCOMB.

Auditor's Office, June 15th, 1786.

In the House of Assembly, Wednesday, P. M., January 31, 1787, read, considered and agreed to.

JAS. BOOTH, *Cl'k of Assembly.*

In Legislative Council, February 1, 1787, P. M., read and concurred in.

JAMES SYKES, *Cl'k of Council.*

Resolve to be entered upon the Auditor's report upon the petition of William Killen, Esq., as executor of the late Col. John Haslet, proposed by the Council to the House of Assembly:

IN THE COUNCIL, THURSDAY, P. M., February 1, 1787.

Resolved, That the State Treasurer be and he hereby is appointed and authorized to receive from William Killen, Esq., as executor of Col. John Haslet, deceased, certificates of final settlement to the nominal amount of the said sum of two thousand dollars, with the interest accrued thereon at the time of such receipt, allowing so much interest as may be due on such certificates, in discharge of so much interest due on the said two thousand dollars; and that the said State Treasurer give his certificate of such receipt to the said executor, and that the Delaware State be from thenceforth considered as accountable to the United States for the said sum of two thousand dollars, as last received by the said Col. John Haslet from the Treasury of the United States for the purpose of raising his new regiment.

Ordered, That the above report of the Auditor, with the resolve and the above mentioned petition, be sent to the House of Assembly; that Mr. Laws wait upon the House with the same;

Who reported the delivery thereof accordingly.

On motion, by order,

The bill entitled "An act for enabling Sydenham Thorne to erect a mill-dam, &c.," was read a second time, and the same postponed until to-morrow morning for further consideration.

Adjourned to 10 o'clock to-morrow morning.

FRIDAY, Feb. 2d, 1787, A. M.

Council met. Present all the members.

The minutes of yesterday were read.

Agreeable to the order of the day, Council proceeded to the consideration of the bill entitled "An act to enable Sydenham Thorne to erect a mill-dam across Mispillion Creek, &c.," and after some time spent therein, a motion was made and seconded that the further consideration thereof should be postponed until the parties interested could have notice to attend Council and be heard in the premises; which question being put, it passed in the negative.

On motion of Mr. Tilton, that the yeas and nays should be entered, it was ordered accordingly, and are as follows, to wit:

Yeas—Mr. Read, Mr. Snow, Mr. Laws.

Nays—Mr. Vandyke, Mr. Tilton, Mr. Polk, Mr. Baning, Mr. Neill.

Mr. Dingle, a member of Assembly, attending, was admitted and delivered to the Chair the following papers, to wit: A message from the President; an act for empowering the Board established by Congress to liquidate and settle the accounts between the United States and individual States, to call before them witnesses, &c.; an act for the support of officers, soldiers, or seamen, citizens of this State, who have been disabled in the service of the United States; a bill for raising ten thousand five hundred pounds for the service of the year 1787; a petition from New Castle County for a speedy collection of the arrearages of taxes; the report of the committee upon the President's Message;

a petition of John Darby, and the Auditor's report thereon; a letter from the Secretary of Congress, with two inclosures; the resolution of Council on the Auditor's report on the petition of William Killen, Esq., as concurred in by the House of Assembly.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present all the members.

On motion, by order, the several papers delivered to the Chair in the forenoon were read.

On motion,

The bill entitled "An act for raising £10,500 for the service of the year 1787," by special order, was read a second time and referred to a committee of three, to wit: Messrs. Vandyke, Read and Tilton, who are to report thereon.

On motion, ordered

That Mr. Read be a committee to prepare and bring in a bill for appointing Commissioners to meet the convention of the United States to be held on the second day of May next, at the City of Philadelphia, for the purpose of revising the Articles of Confederation.

Council now resumed the consideration of the bill for enabling Sydenham Thorne to erect a mill-dam, &c., and several amendments were proposed and agreed to.

Ordered, That the said amendments be transcribed, and that Mr. Neill wait upon the House of Assembly with the said bill and the amendments proposed by Council to the same, for their consideration and concurrence;

Who reported the delivery thereof accordingly.

Adjourned to 10 o'clock to-morrow morning.

SATURDAY, February 3d, A. M.

Council met. Present all the members.

On motion, by order,

The bill entitled "An act for the support of officers, soldiers, or seamen, citizens of this State, who have been disabled in the service of the United States," was read a second time.

On motion, by special order, the said bill was read by paragraphs and it shall pass.

Ordered, That Mr. Neill wait on the House of Assembly and return the same;

Who, being returned, reported the delivery thereof.

Mr. Read now laid on the table a bill entitled "An act appointing Deputies from this State to the Convention proposed to be held in the City of Philadelphia for the purpose of revising the Federal System;" which, by order, was read.

Mr. McCall, a member of Assembly, was admitted and delivered to the Chair a bill entitled "An act laying an impost on spirituous liquors imported into this State, and for other purposes."

On motion, by special order,

The bill entitled "An act appointing Deputies from this State to the Convention proposed to be held at Philadelphia for revising the Federal System, &c.," was read a second time, read a third time by paragraphs, and it shall pass.

On motion,

Ordered, That Mr. Laws wait on the House of Assembly with the said bill, for their consideration and concurrence;

Who reported the delivery thereof accordingly.

Mr. Grantham, a member of Assembly, attending, was admitted and delivered to the Chair a bill entitled "An act to provide for defraying the expenses of the Justices of the Supreme Court

and Court of Oyer and Terminer," with a memorial of William Killen and David Finney, Esquires, &c., the excise bill, &c.; which said papers were severally read.

Mr. Dingle, a member of Assembly, attending, was admitted and delivered to the Chair the resolution of that House accepting and agreeing to the proposals of Mr. Read for revising the laws, with the said proposals, which were read.

Ordered, That Mr. Snow wait upon the House of Assembly with the Auditor's bill and the papers of amendments proposed to the same, and an additional amendment proposed to the said bill by Council, with the following verbal message from Council to the House of Assembly:

Gentlemen:

The Council, from the shortness of the time prescribed by your honorable House for the present session, have departed somewhat from the usual mode of transacting business, in the offering another amendment, different from their former one, disagreed to by your honorable House, to the third amendment proposed by the House of Assembly to the Auditor's bill, to wit: that of adding twenty-five pounds to the one hundred pounds set down in your said third amendment; for that the continuance and regular keeping up of that office is of great importance and use to this State, and it is most likely that a person who hath already been exercised in the duties of such an office would be presently most competent for the immediate execution of the various duties thereof, and, in the opinion of this House, it is probable that if the present Auditor should be reëlected he might accept thereof for such annual allowance.

On motion, by special order,

The bill providing for defraying the expenses of the Justices of the Supreme Court, was read a second time and passed the House.

Ordered, That Mr. Neill wait upon the House of Assembly with the said bill and the memorial of Wm. Killen and David Finney, Esquires, &c.;

Who reported the delivery thereof accordingly.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present all the members.

Council being informed that James Newnam, Doorkeeper and Sergeant-at-Arms to this House, had removed from the Town of Dover to the village called Mifflin's Cross Roads, and that it would be inconvenient, both to the Council and to the said James, to be continued in that station, and Benjamin Crooks offering himself to perform that duty, the said Benjamin Crooks is therefore appointed Doorkeeper and Sergeant-at-Arms to this House.

Mr. Shankland, a member of the House of Assembly, attending, was admitted and returned to the Chair the Auditor's bill, with the verbal message from this House to the House of Assembly, thus acted upon in that House:

IN THE HOUSE OF ASSEMBLY, February 3, 1787.

This House having taken the said message into consideration, propose that the sum of three hundred dollars be the yearly salary of the Auditor.

JAS. BOOTH, *Cl'k of Assembly.*

Thus acted upon in Council, February 3d, 1787. Read and agreed to.

JAMES SYKES, *Cl'k of Council.*

Ordered, That Mr. Snow wait upon the House of Assembly with the Auditor's bill, and the verbal message from Council to the House of Assembly;

Who, being returned, reported the delivery thereof accordingly.

Mr. Cannon, a member of Assembly, was admitted and returned to the Chair the bill entitled "An act for appointing Deputies from this State to the Convention, &c.," with an amendment to the same; the letter from Gunning Bedford, Esq., with the following verbal message:

A VERBAL MESSAGE FROM THE HOUSE OF ASSEMBLY TO THE COUNCIL.

Gentlemen:

The House of Assembly propose to the honorable the Council that both Houses meet, in the Council Chamber, forthwith, for the purpose of nominating and balloting for Deputies to attend the proposed convention for revising the Federal Constitution; for an Auditor for this State, and for a Delegate to Congress, to supply the place of Gunning Bedford, the elder, Esq., who hath declined to accept of that appointment.

Saturday, P. M., Feb. 3, 1787.

The committee to whom the bill for raising £10,500, &c., was committed, now brought in their report; which was read.

Upon the motion being made and seconded, that Council should proceed presently to the consideration of the said report, the question was put, and the yeas and nays were required by Mr. Tilton, and are as follows:

Yeas—Mr. Tilton, Mr. Snow, Mr. Neill, Mr. Vandyke.

Nays—Mr. Read, Mr. Baning, Mr. Polk, Mr. Laws.

So the House being divided, the Speaker gave his vote against the motion.

Ordered, That Mr. Polk wait upon the House of Assembly with the act appointing Deputies, &c., with the paper of amendments proposed by that House to the said bill, and an amendment proposed by Council to the first mentioned amendments;

Who, being returned, reported the delivery thereof.

Mr. Davis, a member of Assembly, attending, was admitted and delivered to the Chair the memorial and appeal of George Read, with the several papers accompanying the same, together with the decision of that House on the said appeal, which follows. The papers severally were read.

IN THE HOUSE OF ASSEMBLY, February 3, 1787.

The House took into consideration that part of the Auditor's report from which George Read, Esq., appealed; and thereupon

Resolved, in favor of the appellant, that the sum of twenty-six pounds five shillings be added to the sum reported by the Auditor to be due from this State to the said George Read.

JAMES BOOTH, *Cl'k of Assembly.*

Concurred in by Council.

JAMES SYKES, *Cl'k of Council.*

On motion,

Ordered, That Mr. Laws wait on the House of Assembly with the engrossed bill for incorporating religious societies, which, by order, had been signed by the Speaker of Council; also the several papers concerning Mr. Read's demand against the State, the resolution thereon, to which Council had agreed;

Who, being returned, reported the delivery thereof.

Ordered, That Mr. Neill wait upon the House of Assembly with the bill appointing Deputies, &c.

Ordered, That Mr. Snow wait on the House with the following verbal message:

Gentlemen:

The Council agree to the proposition contained in your verbal message of this afternoon to meet, in the Council Chamber forthwith, for the purpose of nominating Deputies to attend the proposed convention for revising the Federal Constitution, and for an Auditor for this State, and a Delegate to Congress, to supply the place of Gunning Bedford, Esq., the elder, who hath declined to accept of that appointment.

Doct. Evans, a member of Assembly, was admitted and delivered to the Chair the several laws passed at this sitting, with a resolution for affixing the Great Seal thereunto.

Adjourned to 10 o'clock on Monday morning.

MONDAY, February 5th, A. M.

Council met. Present all the members.

Council proceeded to take into consideration the report of the committee on the bill entitled "An act for raising £10,500 for the service of the year 1787," and after sundry debates thereon, a question was proposed and put, "Do Council agree to the report so far as relates to providing for the requisition of Congress of the 2d of August last for 56,512 dollars?" which passed in the negative.

On motion of Mr. Tilton, that the yeas and nays on the above question be entered on the minutes, it was ordered accordingly, and are as follows, to wit:

Yeas—Mr. Vandyke, Mr. Tilton, Mr. Snow.

Nays—Mr. Neill, Mr. Polk, Mr. Baning, Mr. Read, Mr. Laws.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present all the members, and resumed the consideration of the bill for raising £10,500 for the service of the year 1787, and sundry amendments were proposed and agreed to to Section 17, inclusive. Then, upon reading Sections 18 and 19, a motion was made for introducing an amendment to precede the said Sections 18 and 19, as follows, to wit: "An act for extending the time for collection of the unpaid State tax directed to be raised in the year 1786;" in order to form those two sections, viz: 18 and 19, into a separate act; and, upon the question, it was determined in the affirmative.

Whereupon the yeas and nays were required by Dr. Tilton, and they are as follows:

For the affirmative—Mr. Read, Mr. Neill, Mr. Laws, Mr. Polk, Mr. Snow.

For the negative—Mr. Tilton, Mr. Vandyke, Mr. Baning.

Then the question being put upon the said sections thus made into a separate act, it was determined in the affirmative, and the yeas and nays being called for were the same as on the next preceding motion.

Ordered, That Mr. Neill wait on the House of Assembly with the last mentioned bill and the amendments proposed thereto by Council, for the consideration and concurrence of that House.

Who, being returned, reported the delivery thereof.

Mr. Porter, a member of Assembly, attending, was admitted and delivered to the Chair resolutions for ascertaining the allowance to the Delegates in Congress, which, by order, were read, and follow in these words:

IN THE HOUSE OF ASSEMBLY, February 5, 1787.

On motion,

Resolved, That each of the Delegates from this State to the Congress of the United States be allowed the sum of forty shillings for every day he shall attend in Congress or any committee thereof, and also the same sum per day for traveling charges in going thereto and returning therefrom. And that each Deputy from this State to the Convention proposed to be held at the City of Philadelphia, for the purpose of revising the Federal Constitution, be allowed the like sum for every day he shall attend the same, and also the same sum per day for traveling charges in going thereto and returning therefrom.

Resolved also, That the President or Commander-in-Chief of this State for the time being, upon each Delegate or Deputy producing an account of his attendance, be and is hereby authorized to draw an order on the State Treasurer, indorsed on such account, for the payment of the same; which account, with the order and receipt, shall be a sufficient voucher for the Treasurer in the settlement of his account.

Sent for concurrence.

JAS. BOOTH, *Cl'k of Assembly.*

On motion, by order, the resolutions of the House of Assembly declaring the allowance to the Delegates from this State to Congress, and the Deputies to the Convention for revising the Federal Constitution, were read, and an amendment proposed and agreed to.

Ordered, That Mr. Laws wait on that House with the same for concurrence.

Mr. Duff, a member of the House of Assembly, was admitted and delivered to the Chair the following papers, to wit: A letter from the Auditor, of this day, also reports of the Auditor, of the 2d February, 1785, 4th November, 1785, 14th and 20th January, 1786, and 15th January, 1787, and do. on the petition of Esther Mackey, of same date.

Mr. Shankland, a member of the House of Assembly, was admitted and returned the resolutions for ascertaining the allowance to the Delegates, &c.

Adjourned to 10 o'clock to-morrow morning.

TUESDAY, February 6th, A. M.

The order in favor of John McKinly, by order, was signed by the Speaker.

Mr. Shankland, a member of Assembly, attending, was admitted and delivered to the Chair two engrossed bills, the one for extending the time of collection of the unpaid State tax directed to be raised in the year 1786, the other, the bill entitled "An act for raising £10,500 for the service of the year 1787;" a resolution of the House of Assembly for affixing the Great Seal to the above laws; also a resolution of said House instructing the Delegates to Congress from this State to urge Congress to direct the Commissioner of the Continental Loan Office of this State to receive the indents that may be collected from the citizens from this State in discharge of the requisition of Congress of the 27th September, 1785.

The resolution respecting the Great Seal was concurred in, and the above laws were, by order, signed by the Speaker and

sent to the House of Assembly by Mr. Laws, and the resolution for affixing the Great Seal;

Who, being returned, reported the delivery thereof.

The Council allowed the following accounts:

To the Honorable George Craghead, Esquire, for 25 days' attendance and mileage,	£26	16	0
To George Read, Esq., for do. do.,	18	6	0
To Nicholas Vandyke, Esq., for do. do.,	14	19	4
To Silas Snow, Esq., for do. do.,	14	14	8
To James Tilton, Esq., for do. do.,	15	12	0
To John Baning, Esq., for do. do.,	15	12	0
To Henry Neill, Esq., for do. do.,	13	10	0
To Daniel Polk, Esq., for do. do.,	16	6	0
To Alexander Laws, Esq., for do. do.,	16	2	0
To James Sykes, Clerk, for 26 days' attendance, and for engrossing, paper, &c.,	23	13	4
To Mrs. Elizabeth Battell, for the use of a room, fire-wood and candles,	20	0	0
To James Newnam, Doorkeeper and Sergeant-at-Arms,	9	15	0
	£205	6	4
Additional allowance for 3 days after attendance,	20	3	6
Total amount,	£225	9	10

To the Honorable George Craghead, Esq.,	2	14	0
To George Read, Esq.,	1	16	0
To Nicholas Vandyke, Esq.,	1	16	0
To Silas Snow, Esq.,	1	16	0
To James Tilton, Esq.,	1	16	0
To John Baning, Esq.,	1	16	0
To Henry Neill, Esq.,	1	16	0
To Daniel Polk, Esq.,	1	16	0
To Alexander Laws, Esq.,	1	16	0
To James Sykes, Clerk,	1	19	0
To James Newnam, Doorkeeper, &c.,	1	2	6
	£20	3	6

Ordered, That Mr. Snow wait on the House of Assembly with the several reports of the Auditor, agreed to by Council, and a resolution of Council, drawn thereon, empowering the President or Commander-in-Chief to draw orders in favor of the respective persons for the several sums as in those reports are mentioned and specified upon the State Treasurer, payable out of any money in his hands not heretofore specially appropriated;

Who, being returned, reported the delivery thereof.

Council being informed, by the verbal message of the House of Assembly, that the honorable the House of Assembly had this day adjourned the present sessions to Monday, 28th day of May next, on motion,

Resolved, That Council do now adjourn to the same day.

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

ADJOURNED SESSION, MAY, 1787.

MAY 28th, 1787.

A sufficient number of the members not having met to form a quorum on that day, they adjourned from day to day until Thursday, the 31st of the same month, when there appeared as follows:

For New Castle County—George Craghead, Esq., Speaker.

For Kent County—James Tilton, Silas Snow, John Baning.

For Sussex County—Daniel Polk, Alexander Laws.

On motion, by order, the bill entitled "An act laying an impost on spirituous liquors imported into this State, and for other purposes," was read and referred to a committee of three, to wit: Messrs. Tilton, Polk, and Snow.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present the same members, and adjourned to 10 o'clock to-morrow morning.

FRIDAY, June 1st, A. M.

Council met. Present the same members.

The minutes of yesterday were read.

On motion, that as a committee had been appointed at the the meeting of Council in the month of January, 1786, to wit: Messrs. Read, Joshua Polk, and Tilton, to prepare and bring in a bill for straightening the roads of travel and carriage within this State, and that Mr. Read is absent on public business, by the appointment of the General Assembly, as a member of the Federal Convention, and Mr. Joshua Polk is not now a member of this House, and as the business was of importance and necessary to be completed, it was therefore proper that other members should be appointed in the room of those gentlemen; whereupon ordered that Mr. Speaker and Mr. Laws be appointed of that committee in the room of Messrs. Read and Polk.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Mr. Vandyke appeared and took his seat.

Adjourned to Saturday, 10 o'clock, A. M.

SATURDAY, 2d June, A. M.

Council met and adjourned to Monday, 10 o'clock, A. M.

MONDAY, June 4th, A. M.

Council met.

On motion of Mr. Vandyke, for leave to bring in a bill to alter the judgment at common law against persons convicted of petit treason, the same was granted; whereupon Mr. Vandyke laid a bill for that purpose on the table; which bill, on motion, by order, was read.

On motion, by special order, the said bill was read a second time.

On motion, the same bill was read a third time by paragraphs, passed the House, and ordered to be transcribed and sent to the House of Assembly for consideration and concurrence.

On motion,

Ordered, That Mr. Laws wait on the House of Assembly with the transcribed bill for altering the judgment in petit treason;

Who, being returned, reported the delivery thereof.

Adjourned to ten o'clock to-morrow morning.

TUESDAY, June 5th, A. M.

Council met. The minutes of yesterday were read.

Mr. Moore, a member of Assembly, attending, was admitted and returned to the Chair the bill entitled "An act to alter the judgment at common law against persons convicted of petit treason," with some amendments proposed by that House; which, on motion, by order, were read and agreed to.

On motion, ordered that the said bill be engrossed.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met.

The engrossed bill entitled "An act to alter the judgment at common law against persons convicted of petit treason," was read and compared according to the amendments agreed to.

Ordered, That Mr. Snow wait on the House of Assembly with the said engrossed bill;

Who, being returned, reported the delivery thereof.

Mr. Gordon, a member of Assembly, attending, was admitted and returned the bill for altering the judgment in petit treason, signed by the Speaker of the House Assembly.

Ordered, That the said bill be signed by the Speaker of this House; which was done accordingly.

Mr. Gordon also delivered to the Chair a resolution of the House of Assembly for affixing the Great Seal to the foregoing law, which follows in these words:

IN THE HOUSE OF ASSEMBLY, June 5th, 1787.

On motion,

Resolved, That the President or Commander-in-Chief affix the Great Seal of this State to the following law:

"An act to alter the judgment at common law against persons convicted of petit treason."

Sent for concurrence.

JAS. BOOTH, *Cl'k of Assembly.*

In Council, same day, read and concurred in.

JAMES SYKES, *Cl'k of Council.*

Ordered, That Mr. Polk wait on the House of Assembly and return the last mentioned bill and resolution for affixing the Great Seal thereunto, agreed to by Council;

Who, being returned, reported the delivery thereof.

Adjourned to 10 o'clock to-morrow morning.

WEDNESDAY, June 6th, A. M.

Council met. The minutes of yesterday were read.

Mr. Speaker laid on the table a resolution of the House of Assembly, relating to the time of the adjournment of that House, which had been delivered to him by Mr. Evans, a member of Assembly, after the adjournment of Council.

On motion, by order, the said resolution was read, and follows in these words:

IN THE HOUSE OF ASSEMBLY, June 5th, 1787.

On motion,

Resolved unanimously, That this House intend, to-morrow evening, to conclude the present session by adjourning the same to some future day.

Ordered, That Mr. Evans wait on the Council with a copy of the said resolution for their information.

JAS. BOOTH, *Cl'k of Assembly.*

On motion,

The bill entitled "An act to enable the owners and possessors of a certain parcel of marsh, meadow, and cripple, hereinafter described, situate on Little St. Georges Creek, in St. Georges Hundred, in New Castle County, fronting the River Delaware, to keep the banks, dams, sluices and floodgates thereof in repair," was read a second time.

On motion and on the question, the said bill passed the House.

Ordered, That Mr. Polk wait on the House of Assembly and return the same, with the petition and newspaper that accompanied the same;

Who, being returned, reported the delivery thereof.

The committee to whom was referred the bill entitled "An act laying an impost on spirituous liquors imported into this State,

and for other purposes," now reported some amendments thereunto, which they submitted to the House.

On motion, ordered that the same be read; which was done accordingly.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Mr. Neill appeared and took his seat.

Mr. Cannon, a member of Assembly, was admitted and delivered to the Chair a resolution of that House respecting the meeting of both Houses in the Council Chamber; which, on motion, by order, was read, and follows in these words:

IN THE HOUSE OF ASSEMBLY, June 6, 1787, P. M.

On motion,

Resolved, That Mr. Cannon wait on the Council, and propose to that honorable body that both Houses of the General Assembly meet in the Council Chamber at six o'clock this afternoon, and put in nomination persons out of whom shall be elected, by ballot, a Justice of the Court of Common Pleas and Orphans' Court for the County of New Castle, to supply the vacancy occasioned therein by the death of Abraham Robinson, Esq.; and also a Justice of the Court of Common Pleas and Orphans' Court for the County of Kent, to supply the vacancy occasioned by the appointment of Thomas Collins, Esq., to the Presidency of this State. JAS. BOOTH, *Cl'k of Assembly.*

In the Council, June 6th, 1787, P. M., read and concurred in.

JAMES SYKES, *Cl'k of Council.*

On motion,

Ordered, That Mr. Snow wait on the House of Assembly and return the above resolution, concurred in by Council;

Who, being returned, reported the delivery thereof according to order.

In pursuance of the joint resolution of both Houses, the two Houses met, in the Council Chamber, and put in nomination the following persons from whom to appoint a Justice of the Court of Common Pleas and Orphans' Court of the Counties of New Castle and Kent:

FOR NEW CASTLE COUNTY,

Mr. Grantham names Mr. Porter.
Mr. Vandyke names Mr. Craghead.

FOR KENT COUNTY,

Mr. Rodney names Mr. Smith as Chief Justice.
Mr. Rodney names Mr. Carty.
Mr. McCall names Mr. Cook.
Mr. Gordon names Mr. Clayton.

Then the two Houses separated.

The Council took into consideration the amendments to the bill entitled "An act for laying an impost on spirituous liquors, &c.," and after some time spent therein the same were agreed to, and ordered to be transcribed and sent to the House of Assembly for concurrence.

Adjourned to 10 o'clock to-morrow morning.

THURSDAY, June 7th, A. M.

Council met. The minutes of yesterday were read.

Mr. Davis, a member of Assembly, was admitted and deliver- to the Chair a verbal message from that House in the following words:

VERBAL MESSAGE TO THE COUNCIL FROM THE HOUSE OF ASSEMBLY.

Gentlemen:

The House of Assembly propose to the honorable the Council

that both Houses of the General Assembly meet, in the Council Chamber, at 12 o'clock this day, and proceed to the appointment by ballot of persons to fill the vacancies in the Court of Common Pleas and Orphans' Court for the Counties of New Castle and Kent.

Thursday, A. M., June 7th, 1787.

Ordered, That Mr. Neill wait on the House of Assembly with the bill for laying an impost on spirituous liquors, and the amendments proposed thereunto by Council;

Who, being returned, reported the delivery thereof.

On motion, Council took into consideration the proposals of George Read, Esquire, concerning the revising the laws of this State, and the resolution of the House of Assembly accepting and agreeing to the said proposals; and upon the question, "Do Council concur with the House of Assembly in that resolution?" it passed in the negative.

Ordered, That Mr. Laws wait on the House of Assembly and return the said proposals and resolution thus acted upon by Council.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met.

Mr. Laws reported the delivery of the proposals of Mr. Read, and resolution of the House of Assembly thereon, to that House, according to order.

On motion, the House proceeded to the nomination of persons, one of whom to be elected, to fill up the place of Major James Black in the Privy Council, whose time is expired.

Mr. Laws names Silas Snow, Esquire.
Mr. Tilton names Eleazer McComb, Esquire.

On motion,

Resolved, That Council will, to-morrow morning, proceed to the balloting for a Privy Councillor in the room of Major Black.

Mr. Grantham, a member of Assembly, was admitted and delivered to the Chair a bill entitled "An act for extending the time for collection of the unpaid State tax directed to be raised in the year 1786."

On motion, by order, the said bill was read.

Adjourned to 10 o'clock to-morrow morning.

FRIDAY, June 8th, A. M.

Council met. The minutes of yesterday were read.

Mr. Porter, a member of Assembly, was admitted and delivered to the Chair a bill entitled "A further supplementary act to the act entitled 'An act for the more easy and speedy recovery of small debts;'" also a resolution of that House of their intention to conclude the present session this evening by adjourning the same to some future day.

On motion, by order, the said bill was read.

On motion, by special order, the said bill was read a second time.

Mr. Charles Polk, a member of Assembly, was admitted and delivered to the Chair a bill entitled "An act for appropriating the sum of £10,500."

On motion, by order, the said bill was read.

Mr. McCall, a member of Assembly, was admitted and delivered to the Chair a bill entitled "A further supplement to an act entitled 'An act for calling in and destroying such of the Bills of Credit, emitted by virtue of any law of this State, passed under

the present or former Government thereof, as are now outstanding, and for other purposes therein mentioned.' "

On motion, by special order, the bill entitled "An act for appropriating the sum of £10,500, was read a second time.

On motion, by order,

The bill entitled "A further supplement to an act for calling in and destroying such of the Bills of Credit emitted, &c.," was read.

On motion, the bill for appropriating the sum of £10,500, was read by paragraphs and passed the House.

On motion,

Ordered, That Mr. Neill wait on the House of Assembly with the supplementary bill for the more easy and speedy recovery of small debts, with some amendments proposed by Council thereunto; also the bill for appropriating the sum of £10,500, which had passed Council.

On motion, by special order,

The bill entitled "A further supplement to an act for calling in and destroying Bills of Credit, &c.," was read a second time by paragraphs and passed the House.

Ordered, That Mr. Neill wait on the House of Assembly and return the last mentioned bill, which had passed the Council;

Who, being returned, reported that he had delivered the above acts according to order.

On motion, by order,

The bill for extending the time of collection of the unpaid State tax directed to be raised in 1786, was read a second time.

Agreeable to the order of the day, Council proceeded to ballot for a Privy Councillor, and the votes being taken by the Speaker and read, it appears that Eleazer McComb, Esq., was elected by a majority of votes, and is declared duly elected.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met.

Mr. Broom, a member of Assembly, attending, was admitted and returned to the Chair the supplementary bill to the act for the more easy and speedy recovery of small debts, with the amendments of Council, to the first of which they had disagreed, and to the second agreed; whereupon Council, after considering their first amendment, receded therefrom and proposed an additional amendment.

Ordered, That Mr. Laws wait on the House of Assembly and return the last mentioned bill, thus acted upon by Council;

Who, being returned, reported that he had delivered the same according to order.

The Council took into consideration the bill entitled "An act for extending the time for collection of the unpaid State tax directed to be raised in the year 1786," and after some time spent therein, the question was put and the bill rejected.

Ordered, That Mr. Snow wait on the House of Assembly and return the said bill, thus acted upon by Council;

Who, being returned, reported the delivery thereof.

Mr. Shankland, a member of Assembly, was admitted and delivered to the Chair the following bills, signed by the Speaker of the House of Assembly, to wit:

"An act for appropriating the sum of £10,500;"

"A further supplementary act to the act entitled 'An act for the more easy and speedy recovery of small debts;' "

"A further supplement to an act entitled 'An act for calling in and destroying such of the Bills of Credit emitted by virtue of any law of this State, passed under the present or former Government thereof, as are now outstanding, and for other purposes therein mentioned;' " and

"An act to enable the owners and possessors of a certain parcel of marsh, meadow, and cripple, hereinafter described,

situate on Little St. Georges Creek, in St. Georges Hundred, in New Castle County, fronting the River Delaware, to keep the banks, dams, sluices, and floodgates thereof in repair."

Also, a resolution of the House of Assembly for affixing the Great Seal to the above mentioned bills; which was concurred in by Council.

On motion, the foregoing bills were compared and ordered to be signed by the Speaker; which was done accordingly.

Ordered, That Mr. Neill wait on the House of Assembly with the above laws and resolution;

Who, being returned, reported the delivery thereof.

Adjourned to 6 o'clock to-morrow morning.

SATURDAY, June 9th, A. M.

Council met, and proceeded to the settlement of the expenses of this sitting, and the following accounts were allowed, viz:

	£		
To the Hon. George Craghead, Esq., Speaker, for 13 days' attendance in Council and mileage, . .	13	6	0
To Nicholas Vandyke, Esq., for ditto, ...	6	11	4
To Silas Snow, Esq., for ditto, ...	8	2	8
To James Tilton, Esq., for ditto, ...	7	16	0
To John Baning, Esq., for ditto, ...	7	16	0
To Daniel Polk, Esq., for ditto, ...	7	18	0
To Alexander Laws, Esq., for ditto, ...	7	14	0
To Henry Neill, Esq., for ditto, ...	3	18	0
To James Sykes, Clerk, ...	8	10	6
To Mrs. Elizabeth Battell, for the use of a room, . .	7	10	0
To Benjamin Crooks, Doorkeeper, ...	5	2	6
	£84	5	0

Ordered, That the Speaker sign orders on the State Treasurer in favor of the above persons for the sums above mentioned; which was done accordingly.

On motion,

Ordered, That the Minutes of Council be transcribed by the Clerk from their sessions in October, 1783, to the present, both inclusive, and that Messrs. Tilton and Sykes correct the same, and have two hundred copies thereof printed before the next meeting of the General Assembly.

Adjourned to 27th of August next.

D.K.
1061

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

ADJOURNED SESSION, AUGUST, 1787.

At a meeting of the Council, by adjournment, August 27th, 1787, a sufficient number of the members not having appeared to form a quorum, they adjourned from day to day until Thursday, the 30th of this instant, when the following gentlemen appeared, viz:

For New Castle County—The Hon. George Craghead, Esq., Speaker; Nicholas Vandyke.

For Kent County—Silas Snow, James Tilton, John Baning.

On motion, ordered

That Messrs. Vandyke and Tilton wait on his Excellency, the President, and inform him that Council was sitting and ready to receive any business that he may have to lay before them.

The gentlemen, being returned, report that they had waited on his Excellency, the President, according to order, and that he was pleased to say that he had several public communications in his possession, which, if Council thought it necessary, he was ready to lay before them.

On motion, ordered

That Mr. Snow wait on his Excellency and receive these communications from his hands and present them to Council.

Mr. Snow, being returned, reported that he had waited on his

Excellency, the President, agreeable to order, and that he was pleased to say the papers before mentioned were not in such order as he would wish to present them in to Council, that he had not been explicit enough on the subject when the Committee waited on him, nor had he any message prepared, but that if the Council thought it proper to sit on the morrow he would have the papers in order.

Adjourned to eight o'clock to-morrow morning.

FRIDAY, August 31st, A. M.

Council met. Present the same members.

The Clerk of Council delivered to the Chair a message from his Excellency, the President to the Council, accompanied by the following papers: a letter from the Secretary of Congress, of the 2d July last, with its enclosures; one of the 12th of the same month, with a copy of a treaty between the United States of America and the Emperor of Morocco; one of the 14th, with its inclosures; one of the 31st, with its inclosures; also a letter from the Secretary of Foreign Affairs, of the 3d July, with its inclosures; which, by order, were severally read.

Then the following accounts were allowed:

To the Hon. George Craghead, Esq., Speaker, for 5 days' attendance and mileage, ...	£	6	2 0
To Nicholas Vandyke, Esq., for 3 days' attendance and mileage, ...		2	18 0
To James Tilton, Esq., for 2 days' attendance, . . .		1	4 0
To John Baning, Esq., for do., ...		1	4 0
To Silas Snow, Esq., for do. and mileage, ...		1	10 8
To James Sykes, for 5 days, ...		3	2 6
To Benj. Crooks, for do., ...		2	12 6
To Mrs. Battell, for use of a room, ...		2	15 0
	£	21	8 8

Adjourned to 20th day of October next.

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

At a session convened at Dover, on the twentieth day of October, in the year of our Lord one thousand seven hundred and eighty-seven, divers of the members met, but the number not being a quorum, they adjourned from day to day until Thursday, the twenty-fifth of the same month.

THURSDAY, A. M., October 25th, 1787.

It appears by the returns of the officers of the Counties of New Castle and Kent, appointed by law to be Judges of Elections, that on the first day of October instant, at the usual places of election for the said Counties, the following gentlemen were chosen to represent the said Counties respectively as members of the Legislative Council of the Delaware State, for three years next ensuing the said election, to wit :

For New Castle County—Thomas McDonough.

For Kent County—John Cook.

All the members of the Council now appeared except Messrs. Vandyke, Tilton and Baning.

The House proceeded to the choice of a Speaker, and Thomas McDonough, Esquire, was unanimously elected.

The Speaker, in the Chair, and afterwards Mr. Cook, took,

made and subscribed the oath and affirmation of allegiance and declaration prescribed by the Constitution. [*See note on page 10.*]

On motion, ordered

That Mr. Read, Mr. Cook, and Mr. Laws be a committee to wait on his Excellency, the President, and inform him that the Council had met and were ready to receive any business he might have to lay before them.

The committee above mentioned, being returned, report that they had waited on his Excellency according to order, who informed them that he had sent a message, with sundry papers, to the House of Assembly, which, in due time, would come before the Council.

Mr. Read, as one of the deputies from this State to the convention held in Philadelphia, for the purpose of revising the Articles of Confederation, laid on the table a printed copy of the plan of the Constitution for the United States of America, agreed to by the said convention.

Ordered to lie on the table.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

The Council met according to adjournment.

Mr. Baning now appeared in the Council and took his seat.

Mr. Evans, a member of Assembly, was admitted and delivered to the Chair a message from the President and the following public letters, with their enclosures, to wit: From the Commissioners of the Treasury of the 25th of May; from the Secretary for Foreign Affairs of the 11th of October; and from the Secretary of Congress of the 25th of July, 10th of August, 3d and 28th of September, in which was inclosed the Federal Constitu-

tution, and of the 2d of October, 1787; which were read. The President's message is in these words:

Gentlemen of the General Assembly:

The Secretary will communicate to you, for your consideration, the following public letters, with their enclosures, which I have lately received, to wit: from the Commissioners of the Treasury, of the 28th of May; from the Secretary for Foreign Affairs, of the 11th of October; and from the Secretary of Congress, of the 25th of July, 10th of August, 3d and 28th of September, and 2d of October, 1787.

With the above mentioned letter of the 28th of September, the Federal Constitution, as reported by the late Convention of the States, is now transmitted to you conformably to the unanimous resolution of Congress thereon, in order to be submitted to a convention of Delegates, to be chosen by the people of the State, for their assent and ratification; and I cannot, upon the present occasion, avoid recommending it to your attention as a subject of the most important consideration, involving in its adoption not only our prosperity and felicity, but perhaps our national existence. THOMAS COLLINS.

Dover, October 24, 1787.

Ordered to lie on the table.

Adjourned to 10 o'clock to-morrow morning.

FRIDAY, A. M., October 26th, 1787.

The Council met. Present the same members as on yesterday, and Mr. Tilton, who now appeared in the House and took his seat.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

The Council met agreeable to adjournment.

Adjourned to 10 o'clock to-morrow morning.

SATURDAY, A. M., October 27th, 1787.

The Council met. Present the same members.

Ordered, That the President's Message, with the several papers which accompanied the same, be returned to the House of Assembly by Mr. Laws.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

The Council met according to adjournment.

The Speaker laid on the table a bill entitled "An act for altering the quorum of the House of Assembly," which had been delivered to him by a member of that House after the adjournment of Council.

The said bill was read the first time.

By special order, the said bill was read a second time.

The said bill was read the third time and concurred in.

Ordered, That the same be returned, by Mr. Laws, to the House of Assembly, as acted upon by Council.

Mr. Laws reported the delivery of the above bill to the House of Assembly.

Mr. Gordon, a member of Assembly, was admitted and delivered to the Chair the bill entitled "An act for altering the quorum of the House of Assembly," engrossed, with a resolution of that House for affixing the Great Seal of the State to the same.

The said bill being compared, ordered that the Speaker of Council sign the same; which was done accordingly.

The resolution for affixing the Great Seal to the above mentioned bill was read and concurred in.

Ordered, That the last mentioned bill, and the resolution for affixing the Great Seal to the same, be returned to the House of Assembly, by Mr. Tilton, as acted upon by the Council.

Mr. Tilton reported the delivery of the same.

Adjourned to 10 o'clock on Monday morning.

MONDAY, A. M., October 29th, 1787.

The Council met. Present the same members who attended on Saturday last, except Mr. Cook.

Mr. Speaker laid on the table a report of the Auditor of Accounts, dated this day; also a report of the outstanding taxes, reported June 5th, 1787.

Ordered to lie on the table.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met according to adjournment.

Adjourned to 10 o'clock to-morrow morning.

TUESDAY, A. M., October 30th, 1787.

The Council met. Present the same members.

Mr. Cook, having returned, now appeared in the Council.

The Speaker laid on the table a paper purporting to be the return of a Counsellor for the County of Sussex, for the present year, which was read, and follows in these words, to wit:

SUSSEX COUNTY, DELAWARE STATE:

This indenture made this fifteenth day of October, in the year of our Lord, one thousand seven hundred and eighty-seven, between Thomas Laws, Sub-Sheriff of the County, of the one part, and Francis Wright, Thomas Laverty, William Peery, and Peter Marsh, Inspectors, and John Paynter and David Hall, gentlemen, freeholders of the said County, of the other part, witnesseth, that the said Inspectors, together with a number of freeholders of the said County, having met at the Court House in Lewes, on the first day of October instant, and continued by adjournments until this day, did then and there choose, elect, and nominate Simon Kollock, gentleman, to be Counsellor for the County aforesaid, pursuant to the Constitution or System of Government of the State of Delaware.

In testimony whereof the said Sub-Sheriff, Inspectors, and Freeholders have hereunto signed their names and affixed their seals the day and year first above written.

THOMAS LAWS, *S. Sheriff*, [SEAL.]
FRANCIS WRIGHT, [SEAL.]
THOMAS LAVERTY, [SEAL.]
SOLOMON WILLEY, [SEAL.]
WILLIAM PEERY, [SEAL.]
JOSEPH DAWSON, [SEAL.]
DAVID HALL, [SEAL.]
PETER MARSH, [SEAL.]
JOHN PAYNTER, [SEAL.]

On motion, ordered,

That the Auditor be notified that his annual report, of the 27th and 29th instant, doth not contain any general account of debts due to the State, as expressed in the 13th section of the law under which he acts, and which enumerates the heads whereof such general account shall consist, and that he furnish Council with such general account as speedily as possible.

Ordered, That the above order be transcribed, and that Mr. Polk wait on the Auditor and deliver the same.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

The Council met according to adjournment.

Mr. Polk reported that he had delivered the above order to the Auditor, and that he was informed by him that an official report would be made to-morrow, so far as his books enabled him to make such report.

Mr. Cook desires leave of absence until to-morrow morning, and the same is granted.

Adjourned to 10 o'clock to-morrow morning.

WEDNESDAY, A. M., October 31st, 1787.

The Council met. Present the same members.

On motion, ordered,

That the Sheriff and Sub-Sheriff of Sussex County be notified

to attend the Council forthwith, to be examined touching the election of Sussex County.

The Sheriff and Sub-Sheriff attended accordingly, and the Council proceeded to the examination.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

The Council met according to adjournment, and proceeded in the examination of the Under Sheriff of Sussex County concerning the election in that County.

Ordered that Mr. Peery be notified to attend the Council forthwith, to be examined touching the late election in Sussex County.

Mr. Peery attended accordingly.

Adjourned to ten o'clock to-morrow morning.

THURSDAY, A. M., November 1st, 1787.

The Council met. Present the same members.

Mr. Davis, a member of Assembly, was admitted and he delivered to the Chair four petitions from 121 of the inhabitants of Sussex County against the late election in said County.

Ordered to lie on the table.

Mr. Speaker laid on the table a report of the Auditor, dated October 31st, in obedience to the order of the Council of 30th of October, with two inclosures, the first containing a list of specie taxes preceeding 1784, committed to Collectors of Hun-

dreds, and still outstanding; the second containing a list of open accounts in the public books, on which balances appear to be due to the State.

On motion, ordered,

That the Auditor be further notified that his additional report of yesterday is not sufficiently explicit as to the sum of the State tax, outstanding in the hands of the several persons in New Castle and Kent Counties, previous to 1784, for that the sums annexed to each delinquent's name may comprehend as well County as State tax, when the delinquency as to State tax was only necessary for legislative information. And also that no specific statement is made of the tax outstanding in Sussex County, before 1784, showing who may be delinquents therein.

Ordered, That the Clerk of this House transcribe the above order and wait on the Auditor with the same.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

The Council met according to adjournment.

Adjourned to 10 o'clock to-morrow morning.

FRIDAY, A. M., November 2d, 1787.

The Council met. Present the same members.

Mr. Latimer, a member of the House of Assembly, was admitted and he delivered to the Chair the following papers, to wit: A bill entitled "An act granting to Oliver Evans, for a term of years, the sole and exclusive right of making and selling within this State the machines herein described," with two petitions of the said Oliver Evans, praying an exclusive privilege of con-

structing and employing a steam-carriage which he hath invented, capable of carrying heavy burdens, to be propelled by the agency of steam and the pressure of the atmosphere, without the aid of animal force ; a recommendation from sundry persons respecting Evans' machine, and a report of a committee of the House of Assembly on the said petitions; and a resolution of that House permitting Oliver Evans to bring in the above mentioned bill; also a petition from James Adams, with his general account; a report of a committee of the House of Assembly upon that part of James Adams' petition which appeals from the Auditor's report; and a resolution of the House of Assembly upon the appeal of James Adams; which said papers were severally read.

Ordered to lie on the table.

On motion of Mr. Read, for leave to bring in a bill for vesting the powers heretofore given to three Justices of the Courts of Common Pleas and Orphans' Courts in the respective Counties of this State in a lesser number, the same was granted; whereupon he presented to the Chair a bill for that purpose, which was read.

Ordered to lie on the table.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

The Council met according to adjournment.

The bill entitled "An act for vesting the powers heretofore given to three Justices of the Courts of Common Pleas and Orphans' Courts in the respective Counties of this State in a lesser number," was read a second time and deferred for further consideration.

The petitions from sundry inhabitants of the County of Sussex against the late election in said County, were read.

Ordered to lie on the table.

Mr. Speaker laid on the table a report of the Auditor of Accounts, of this day, in compliance with the order of Council of yesterday; which was read.

Ordered to lie on the table.

By special order, the bill entitled "An act granting to Oliver Evans, for a term of years, the sole and exclusive right of making and selling within this State the machines herein described," was read a second time and deferred for further consideration.

Mr. Laws desires leave of absence until Tuesday next. The same is granted.

Adjourned to 10 o'clock to-morrow morning.

SATURDAY, A. M., November 3d, 1787.

The Council met. Present the same members, except Mr. Laws.

The bill entitled "An act for vesting the powers heretofore given to three Justices of the Courts of Common Pleas and Orphans' Courts in the respective Counties of this State in a lesser number," was read a third time by paragraphs and passed the House.

Ordered, That the said bill be transcribed, and sent to the House of Assembly for their consideration and concurrence.

The Council now resumed the consideration of the contents of the paper purporting to be the return of a Counsellor for the County of Sussex for the present year.

On motion of Mr. Tilton, seconded by Mr. Baning, that the following resolution should be adopted by the Council, to wit:

WHEREAS the disturbances in Sussex County, which have occasioned the disputed election now under the discussion of this House, appear manifestly to flow from causes that have subsisted from the beginning of the war with Great Britain, and through the Revolution, until this day, and are now of so serious

a nature as to deserve the most attentive and thorough investigation; and whereas to decide on the election upon the information given upon one side only, without hearing those complained of, as well as those complaining, must be an *ex parte* procedure contrary to the rules of justice and moderation; and whereas there is also reason to apprehend that besides setting aside the election there may be further proceedings of the Legislature, for the purpose of disgracing or punishing those complained of by the petitioners, whereby they will be condemned unheard, and may be rendered more desperate in their conduct, and the disorder of this Government become more extended and dreadful in their consequences; therefore

Resolved, That such of the persons complained of in the petitions as choose be permitted to attend and be heard in their own justification, and that such person or persons as can throw light upon this important subject be ordered to attend and give their evidence; that, after the fullest information and the most free and open discussion of the matter, the House may be enabled to proceed in so important a business in such manner as shall most effectually quiet the minds of the people.

The question was put, and the yeas and nays being required by Mr. Tilton, they are as follows:

Yeas—Mr. Tilton, Mr. Baning.

Nays—Mr. Read, Mr. Cook; Mr. D. Polk.

So it passed in the negative.

Whereupon, on motion, it is

Resolved, That the said election of a member of this House, in the present year, for the County of Sussex, was not freely, legally, and indifferently made, and it is adjudged by the Council that Simon Kollock, in the indenture of return aforesaid, was not duly elected.

The question being put on the above resolution, the yeas and nays were required by Mr. Tilton, and they are as follows:

Yeas—Mr. Read, Mr. Cook, Mr. Polk, Mr. Baning.

Nay—Mr. Tilton.

So it passed in the affirmative.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

The Council met according to adjournment.

Adjourned to 10 o'clock on Monday morning.

MONDAY, A. M., November 5th, 1787.

The Council met. Present the same members.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

The Council met according to adjournment.

A motion was made by Mr. Tilton, seconded by Mr. Baning, that he should have leave to enter his reasons of dissent and protest against the resolution of Saturday last on the subject of the late election of Sussex County, and, after debate, a motion was made and seconded to postpone the consideration of the said motion, and to take up the following, to wit: Whether such reasons of dissent and protest on this or on any other occasion should be admitted to be entered on the minutes of this House, as the entering of the yeas and nays of every member on any question taken in this House, on the request of any one member, was a standing rule thereof? And on the question, the same was postponed accordingly.

Resolved, That to-morrow morning be assigned for the consideration of the last mentioned motion.

Adjourned to 10 o'clock to-morrow morning.

TUESDAY, A. M., November 6th, 1787.

The Council met. Present the same members.

Agreeable to the order of the day, the Council proceeded to the consideration of the motion of yesterday afternoon, to wit: Whether such reasons of dissent and protest on this or on any other occasion should be admitted to be entered on the minutes of this House, as the entering of the yeas and nays of every member on any question taken in this House, on the request of any one member, was a standing rule thereof? And on the question, the yeas and nays were required by Mr. Read, and they are as follows:

Yea—Mr. Tilton.

Nays—Mr. Read, Mr. Cook, Mr. Polk, Mr. Baning.

So it passed in the negative.

Mr. McCall, a member of the House of Assembly, was admitted and he returned to the Chair the bill for vesting the powers heretofore given to three Justices of the Courts of Common Pleas and Orphans' Courts in the respective Counties of this State in a lesser number, concurred in by that House.

Ordered that the said bill be engrossed.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

The Council met according to adjournment.

Mr. Laws appeared in the House and took his seat.

Mr. Evans, a member of Assembly, was admitted, and he delivered to the Chair a bill entitled "An act to repeal an act entitled 'An act for the further security of the Government;'" which was read.

Ordered to lie on the table.

Ordered, That the petitions from sundry of the inhabitants of Sussex County, against the late election in said County, be returned to the House of Assembly by Mr. Laws.

Adjourned to to-morrow morning, 10 o'clock.

WEDNESDAY, A. M., November 7th, 1787.

The Council met. Present the same members.

The report of the committee of the House of Assembly upon that part of James Adams' petition which appeals from the Auditor's report, and the resolution of that House upon the said appeal, were read a second time, and the said resolution was concurred in by the Council.

The bill for granting to Oliver Evans an exclusive right in making certain machines, was read the third time by paragraphs and passed the House.

Ordered, That the said bill, with the several papers which accompanied the same, and the resolution of the House of Assembly upon the appeal of James Adams, with the petition and the account of the said James Adams, and the report of the committee of the House of Assembly on the same, be returned to the House of Assembly by Mr. Cook.

Ordered, That the Speaker sign the engrossed bill entitled "An act for vesting the powers heretofore given to three Justices of the Courts of Common Pleas and Orphans' Courts in the respective Counties of this State in a lesser number;" which was done accordingly.

Ordered, That Mr. Cook wait on the House of Assembly with the said engrossed bill, in order that the same may be signed by the Speaker thereof.

The bill entitled "An act to repeal an act entitled 'An act for the further security of the Government,'" was read a second time and deferred for further consideration.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

The Council met according to adjournment.

Adjourned to 10 o'clock to-morrow morning.

THURSDAY, A. M., November 8th, 1787.

The Council met. Present the same members.

Mr. Revell, a member of Assembly, was admitted, and he delivered to the Chair certain resolutions of that House for calling a Convention for the purpose of ratifying the Federal Constitution.

Ordered to lie on the table.

On motion, by order, the ordinance of Congress of May, 1787, for settling the accounts between the United States and individual States, was read.

Ordered, that Messrs. Read, Tilton, and Laws be a committee to whom the said ordinance shall be referred, to report what may be necessary to be done thereon on the part of this State.

The resolutions of the House of Assembly for calling a Convention were read. Deferred for further consideration.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

The Council met according to adjournment.

Mr. Evans, a member of Assembly, was admitted, and he delivered to the Chair a resolution of that House respecting their intention to conclude the present session on Saturday next by adjourning the same to some future day; which was read.

Adjourned to 10 o'clock to-morrow morning.

FRIDAY, A. M., November 9th, 1787.

The Council met. Present the same members.

The resolutions of the House of Assembly for calling a Convention for the purpose of ratifying the Federal Constitution, were read a second time.

The Clerk of this House laid on the table four petitions from sundry inhabitants of New Castle County, and a petition from the Grand Jurors of the Court of Oyer and Terminer, held at New Castle on the 5th of October, 1787, in favor of the Federal Constitution; also two petitions from sundry inhabitants of the said county for a cession of district to Congress for exclusive jurisdiction; which said petitions were delivered to him by the Clerk of the House of Assembly.

The said petitions were severally read. Ordered to lie on the table.

Sundry amendments being proposed by the Council to the resolutions of the House of Assembly for calling a State Convention,

Ordered, That the same be transcribed and sent to the House of Assembly for their consideration and concurrence.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

The Council met according to adjournment.

Ordered, That Mr. Cook wait on the House of Assembly with the amendments offered by Council to the resolutions for calling a State Convention.

Mr. Robinson, a member of Assembly, was admitted, and he delivered to the Chair a bill entitled "An act for altering the place of election for the County of Sussex for the present year one thousand seven hundred and eighty-seven;" which was read, with two petitions from sundry inhabitants of Sussex County, on which the said bill is founded.

Ordered to lie on the table.

On motion, ordered,

That a new election be had in the County of Sussex of a member for this House, in the place of Simon Kollock, Esq., who was declared not duly elected by the resolve of Saturday last, and that the Speaker issue a writ accordingly.

By special order, the last mentioned bill was read a second time and deferred for further consideration.

Mr. Grantham, a member of Assembly, was admitted and he delivered to the Chair the following resolution of that House:

IN THE HOUSE OF ASSEMBLY,
FRIDAY, P. M., Nov. 9th, 1787.

On motion,

Resolved, That Mr. Grantham wait upon the Council and propose to that honorable House that both Houses of the General Assembly meet, in the Council Chamber, to-morrow, at three o'clock in the afternoon, to put in nomination persons to be balloted for as Delegates to represent this State in the Congress of the United States until the first Monday in November next.

JAMES BOOTH, *Cl'k of Assembly.*

Sent for concurrence.

The said resolution was read and concurred in by the Council.

Ordered, That Mr. Cook wait upon the House of Assembly and return the said resolution, as acted upon by the Council.

Mr. Cook reported the delivery of the said resolution according to order.

Adjourned to ten o'clock, &c.

SATURDAY, A. M., November 10th, 1787.

The Council met, &c.

Mr. Vining, a member of Assembly, being admitted, delivered to the Chair the resolutions for calling a State Convention, with the several amendments proposed thereto by the Council acceded to by the House of Assembly, which said resolutions, as amended and agreed to by both Houses, are as follows:

IN THE HOUSE OF ASSEMBLY OF THE DELAWARE STATE,
FRIDAY, P. M., November 9th, 1787.

WHEREAS the Convention of Deputies from the United States, lately assembled at the City of Philadelphia, have proposed a Constitution for the said States, to be submitted to a Convention of Delegates chosen in each State by the people thereof, under the recommendation of its Legislature, for their assent and ratification; and that each Convention assenting to, and ratifying the same, should give notice thereof to the United States in Congress assembled;

And whereas the United States in Congress assembled have *unanimously resolved* that the said Constitution, with the resolutions and letter accompanying the same, be transmitted to the several Legislatures, in order to be submitted to a Convention of Delegates chosen in each State by the people thereof, in conformity to the resolves of the Convention made and provided in that case;

And whereas it is the sense and desire of great numbers of the good people of this State, signified in petitions to this General Assembly, that speedy measures should be adopted to assemble a Convention within the State for the purpose of deliberating and determining on the said Constitution;

Resolved, 1. That it be, and hereby is, recommended to the freemen and inhabitants of this State, who are qualified by law to vote for Representatives to the General Assembly, that they choose suitable persons to serve as Delegates in a State Convention for the purpose herein before mentioned, that is, for the three Counties the same number of Delegates that each is entitled to of Representatives in the General Assembly, to wit: ten for the County of New Castle; ten for the County of Kent; and ten for the County of Sussex.

2. That the elections for Delegates aforesaid, in the respective Counties of this State, be held on Monday the 26th day of this instant November, at the same places where the general elections for Representatives to the General Assembly are or may be by law appointed to be held; and that the same be conducted by the officers who conduct the said election of Representatives, and agreeably to the rules and regulations thereof; and that the persons so elected to serve in Convention, meet at the Town of Dover on the Monday following.

3. That the Delegates who attend the said Convention be entitled to the same allowance per diem as Representatives to the General Assembly are entitled to receive for their attendance; which said allowance shall be paid by the State Treasurer, upon receiving an order for the same, signed by the President of this State.

4. That the President or Commander-in-Chief transmit to the Convention aforesaid, when met, an authentic copy of the Federal Constitution aforesaid.

5. That the proposition submitted to the General Assembly, by petition from divers of the freemen resident in the upper part of this State, of ceding to the United States a district within the State for the Seat of the Government of the United States, and for the exclusive legislation of Congress, be and hereby is recommended to the particular consideration of the Convention.

6. That for the information of the citizens of this State the

Clerk of this House cause the aforesaid resolutions to be published in the Delaware Gazette, and procure one hundred copies to be printed, and transmitted to the Sheriffs of the several Counties, to be by them fixed up at the most public places in their Counties respectively.

Signed by order of the House of Assembly,

JEHU DAVIS, *Speaker.*

Sent for concurrence.

In Council, Saturday, A. M., November 10th, 1787, read and concurred in.

Signed by order of the Council,

THOMAS McDONOUGH, *Speaker.*

On motion, by order,

The bill entitled "An act for altering the place of election for the County of Sussex for the present year, 1787," was read the third time by paragraphs and passed the House.

On the question being put on the said bill, the yeas and nays were required by Mr. Tilton, and they are as follows:

Yeas—Mr. Read, Mr. Cook, Mr. Polk, Mr. Laws, Mr. Baning.

Nay—Mr. Tilton.

So it passed in the affirmative.

Ordered, That the said bill, with the petition which accompanied the same, be returned to the House of Assembly.

Ordered, That the resolutions for calling a State Convention, with the several petitions in favor of the Federal Constitution, and the petitions for the cession of a district to Congress for exclusive legislation, be returned to the House of Assembly.

The committee to whom was referred the ordinance of Congress, of the 7th of May last, for settling the accounts between the United States and individual States, to report what might be necessary to be done thereon on the part of this State, now made their report; which was read.

The said report was read a second time and agreed to, as follows:

WHEREAS Eleazar McComb, Esq., the Auditor of Accounts for this State, on the 24th June, 1786, was elected by the General Assembly the Commissioner to complete a settlement of the accounts of this State with the United States; and some doubts have been made by Mr. McComb, whether the said appointment continues, so as to authorize him to proceed in the said business with the Commissioner, or his deputy, appointed under the ordinance of Congress, of the 7th May last, for settling the accounts between the United States and individual States for the district of which this State forms a part; therefore

Resolved, That it is the opinion of this General Assembly, that the appointment made of the said Eleazar McComb as aforesaid doth still continue; and he is hereby authorized and required to use all due diligence in collecting and stating such accounts of this State as come within the description of the accounts and claims of individual States against the United States, as enumerated in the ordinance aforesaid; and to procure sufficient or the best attainable vouchers to support the accounts and claims of this State against the United States; and for this end he is hereby impowered to call for books and papers relating to the same, which have come to the hands or possession of any person in public office or appointment, or after into the possession of others by means thereof, giving descriptive acknowledgments thereof to the person from whom they may be received; and finally to transact with the Commissioner of the District all the necessary business relative to this important object.

2. That in case of the death, inability, or refusal to act, of the said Eleazar McComb, as State Commissioner as aforesaid, it is the opinion of the General Assembly that his Excellency the President, in their recess, appoint some other suitable person to act as State Commissioner in the business aforesaid.

3. That Mr. McComb, as Auditor of this State, do forthwith call to account all persons who have been in any ways intrusted with any public monies belonging to the State, or wherewith the State may be chargeable, or who may have been appointed or employed on behalf of the State, or any part thereof, in collecting or receiving of supplies intended for the use of the United States, that the Auditor, in his character of State Commissioner as afore-

said, may be the better enabled to make the exhibits on the part of this State against the United States, within the time limited by the ordinance of Congress aforesaid; and in case of refusal or neglect so to account, that the Auditor, without delay, thereafter cause process to be issued against every such delinquent, as in and by the act for the auditing and arranging the accounts of this State it is prescribed.

4. That Mr. McComb ought to have an allowance adequate to his services as State Commissioner, and that this General Assembly, at their future meeting, will make provision therefor; or in case of other appointment as aforesaid in like manner for such appointee.

Ordered, That the said resolutions be transcribed and sent to the House of Assembly for their consideration and concurrence.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

The Council met according to adjournment.

The Speaker laid on the table a bill entitled "An act to alter and supply certain parts of an act entitled 'An act for raising £10,500 for the service of the year 1787,' and to repeal an act for appropriating the sum of £10,500, and for other appropriation thereof, and other purposes,'" with a petition and three memorials from sundry of the inhabitants of New Castle County, praying a repeal of the appropriation act; which said papers were delivered to him by a member of Assembly after the adjournment of Council; which said bill was read.

Ordered to lie on the table.

WHEREAS it appears by the report of a committee of the House of Assembly, of the 27th of January last, on page 28 of the printed minutes, that large sums have been advanced by this State on behalf of the United States, amounting to more than

ten thousand five hundred pounds, which this State ought to have had a credit for with the United States, on former specie requisitions of Congress, and to which sum further additions, in the opinion of the Auditor, may now be made; and as great delay hath happened with respect to the obtaining those credits; it is therefore

Resolved, That it be recommended to his Excellency the President that he take effectual order to have the business aforesaid performed as soon as reasonably may be, and that he appoint some suitable person to collect all vouchers relative to, or necessary for, the same; and to personally solicit such a credit at the Board of Treasury of the United States, or other public office connected therewith, at the expense of the State; and for this end the President may draw his order on the State Treasurer for such sum, in advance, for this service, as he may judge reasonable.

Ordered, That the said resolution be transcribed, and sent to the House of Assembly for their concurrence.

Agreeable to the order of the day, the Council and the House of Assembly met, in the Council Chamber, and proceeded to the nomination of persons as Delegates to represent this State in Congress.

But it was previously

Resolved, That three persons be elected as Delegates from this State to Congress, &c.

The following persons were then put in nomination, to wit: Major John Patten, Isaac Grantham, Esq., Dyre Kearny, Esq., Nathaniel Mitchell, Esq., and Thomas Rodney, Esq.

Then the two Houses separated for the space of fifteen minutes.

The Council and the House of Assembly now met, in the Council Chamber, and proceeded, by joint ballot, to the election of Delegates to represent this State in the Congress of the United States of America until the first Monday in November next, and the ballots being taken and examined, Dyre Kearny, Nathaniel Mitchell, and Thomas Rodney, Esquires, were declared to be duly elected.

Then the two Houses separated.

By special order, the bill to alter and supply certain parts of the act for raising ten thousand five hundred pounds, &c., was read a second time.

The said bill was read the third time by paragraphs and passed the House.

On the question for passing the same being put, the yeas and nays were required by Mr. Tilton, and they are as follows:

Yeas—Mr. Cook, Mr. Read, Mr. Laws, Mr. Polk.

Nays—Mr. Tilton, Mr. Baning.

So it was determined in the affirmative.

Mr. Raymond, a member of Assembly, was admitted and he returned the resolutions of Council continuing the powers of Eleazer McComb, Esq., as State Commissioner, and the resolution for the President to appoint some suitable person to collect vouchers, &c., both concurred in by the House of Assembly.

Ordered, That the Clerk of this House make out two copies of the first resolutions, one to be delivered to the President, and the other to the Auditor; also one copy of the last mentioned resolution for the President.

Then the Council allowed the following accounts for the attendance of the members and for public service rendered to the State:

To the Hon. Thomas McDonough, Esq., Speaker, for 21 days' attendance and for mileage, . . .	£ 19	18	0
To George Read, Esq., for 19 do. do., ...	12	18	0
To James Tilton, Esq., for 17 do., ...	10	4	0
To John Baning, Esq., for 18 do., ...	10	16	0
To John Cook, Esq., for 20 do. do., ...	12	8	0
To Daniel Polk, Esq., for 21 do. do., ...	13	18	0
To Alexander Laws, Esq., for 21 do. do., ...	13	14	8
To James Sykes, Esq., Clerk, for 23 do., ...	14	7	6
To James Sykes, Esq., for transcribing the minutes, &c., &c., ...	37	14	4½
To Mrs. Elizabeth Battell, for the use of a room, &c., ...	13	10	0
To Benjamin Crooks, Sergeant-at- Arms, ...	8	17	0
	£168	5	6½

Resolved, That orders be drawn on the State Treasurer, and signed by the Speaker, for the payment of the several sums aforesaid.

Whereupon orders were drawn and signed accordingly.

Ordered, That the Clerk of this House transcribe the Minutes of the Council of the session of August last, and of the present session, November, and that Messrs. Tilton and Cook revise the said transcribed minutes and superintend the printing of two hundred copies of the same.

Mr. McCall, a member of Assembly, attending, was admitted, and he delivered to the Chair a resolution of that House for affixing the Great Seal to the several laws passed this session of the General Assembly; which was read, and follows in these words:

IN THE HOUSE OF ASSEMBLY, Nov. 10th 1787.

On motion,

Resolved, That the President or Commander-in-Chief affix the Great Seal of this State to the following laws:

1. "An act for vesting the powers heretofore given to three Justices of the Courts of Common Pleas and Orphans' Courts in the respective Counties of this State in a less number;"

2. "An act granting to Oliver Evans, for a term of years, the sole and exclusive right of making and selling within this State the machines herein described;"

3. "An act for altering the place of election for the County of Sussex for the present year, 1787;"

4. "An act to alter and supply certain parts of an act entitled 'An act for raising £10,500 for the service of the year 1787,' and to repeal an act entitled 'An act for appropriating the sum of £10,500,' and for other appropriation thereof, and other purposes.' "

Sent for concurrence.

JAS. BOOTH, *Cl'k of Assembly.*

Resolved, That this House concur in the said resolution.

The same member also delivered to the Chair the bills above mentioned engrossed, in order to be signed by the Speaker.

Ordered, That the Speaker sign the aforesaid engrossed bills; which was done accordingly.

Ordered, That the said bills, with the resolution for affixing the Great Seal, as concurred in by this House, be returned to the House of Assembly by Mr. Laws;

Who reported, &c.

On motion, ordered that the time and place specified in the act, passed this present session, for altering the place of election for the County of Sussex for the present year, be inserted in the writ ordered on Friday last for a new election in that county.

The Clerk of the House of Assembly delivered to the Council a written notice, signed by the Speaker of the House of Assembly, that the House of Assembly had this day adjourned to Monday, the seventh day of January next.

The Council then adjourned to the same day.

MINUTES OF COUNCIL.

1788.

MEMBERS' NAMES.

FOR NEW CASTLE COUNTY:

GEORGE READ, NICHOLAS VANDYKE, THOMAS MCDONOUGH.

FOR KENT COUNTY:

JAMES TILTON, JOHN BANING, JOHN COOK.

FOR SUSSEX COUNTY:

DANIEL POLK, ALEXANDER LAWS, ISAAC HORSEY.

O. K.

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

ADJOURNED SESSION, JANUARY, 1788.

At a meeting of the Council, by adjournment, at Dover, January 7th, 1788, a sufficient number of the members not having met to form a quorum, they adjourned from day to day until Friday, the 18th of the same month, when there appeared as follows:

For New Castle County—Thomas McDonough, Esq., Speaker, George Read.

For Kent County—James Tilton, John Baning, Jno. Cook.

For Sussex County—Daniel Polk, Alexander Laws.

It appears by the returns of the officers of the County of Sussex, appointed by law to be Judges of Elections, that on the 26th of November last, at the house of Rob. Griffith, at Deep Creek Furnace, usually called Vaughn's Furnace, in Nanticoke Hundred, that Isaac Horsey, of the said county, was chosen to represent the said county as a member of the Legislative Council of the Delaware State for three years next ensuing the said election.

James Sykes, Esquire, Clerk of this House, having resigned, the House proceeded to the choice of a Clerk, when John Edmunds Clayton was unanimously chosen; who then took the oath prescribed by the Constitution, and subscribed the declaration of faith therein required, and also took and subscribed the oath of office. [*See note on page 11.*]

Mr. Speaker laid on the table a petition, signed by a number of the inhabitants of Sussex County, delivered him by a member of the House of Assembly, complaining of an undue election at the time aforesaid, together with a list of witnesses for the petitioners, and praying that inquiry should be made into the truth of the facts stated therein, and that they might be heard by Council.

On motion, ordered that the same be read; which was done accordingly.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met. Present the same members, except Mr. Tilton.

The Speaker laid on the table a letter from James Adams, of Wilmington, printer, of the 10th instant, praying the House that they would favor him with the printing of the business of their House, and containing an account for printing 200 copies of the votes and proceedings of their House from a session in October, 1783, to their session in May, 1787, both included, making fifty-five sheets, at 28s. a sheet, and for conveying the Kent and Sussex numbers of those copies to Dover.

The same were read and referred to the Auditor.

On motion, by special order, the petition from Sussex County, complaining of an undue election, was read a second time.

Whereupon it is ordered,

That it be notified to such of the petitioners as may be in the Town of Dover, that the Council will be ready, to-morrow, at eleven o'clock in the forenoon, to go into an inquiry of the facts set forth in their petition complaining of an undue election in Sussex County, on the 26th of November last, for a member of this House, and that they may be heard by one gentleman of the law, as their counsel, on this business.

Ordered also,

That Peter Fretwell Wright, High Sheriff of Sussex County, and now in attendance in the Town of Dover under the order of the House of Assembly, be notified to attend the Council at the time aforesaid, for examination respecting the said election, and that the foregoing orders be transcribed by the Clerk, to wit: two copies, one to be served by the Sergeant-at-Arms on such of the petitioners aforesaid as may be in Dover, returning the names of the persons served therewith to this House at the time aforesaid, and the other on the High Sheriff aforesaid.

Adjourned to ten o'clock to-morrow morning.

SATURDAY, A. M., January 19th, 1788.

Council met. Present the same members.

On motion, ordered that the doors of this House be set open during the inquiry into the validity of the Sussex election.

The Sergeant-at-Arms reported that he had notified, agreeable to the orders of yesterday, Peter F. Wright, the High Sheriff of Sussex County, and such of the petitioners as were in the Town of Dover, viz: William Clayton Mitchell, Simon Kollock, Isaac Atkinson, Nathaniel Waples, William Peery, and David Hall.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met according to adjournment. Present the same members, and Mr. Tilton.

On motion, ordered that the Sheriff of Sussex County be

again notified to attend this House to be examined concerning the Sussex election, who appeared in the House.

On motion, ordered that the petition from Sussex County, complaining of an undue election, be read by the Clerk to him; which was done accordingly.

Council then went into the examination of Peter F. Wright, Sheriff of Sussex County, concerning the late election, and after some time, on motion, he obtained leave to withdraw.

Adjourned to Monday morning, 10 o'clock.

MONDAY, January 21st, 1788, A. M.

Council met according to adjournment.

The Doorkeeper informed the Speaker that Joseph Miller, Esq., as Counsel for the petitioners complaining of the undue election, then was in waiting and desired to be admitted before the Council.

Whereupon he was admitted, and made his apology for not attending sooner upon the business aforesaid. And he informed the House that such of the petitioners as had been attendant on the like complaint made to the House of Assembly, and also the witnesses produced to and examined by the House of Assembly, were gone to their respective places of residence; that the examinations had before the House of Assembly, as well of the witnesses in the petitioners list as others, were before the House of Assembly on oath and reduced to writing there, and probably did contain sufficient information for the Council to proceed into the inquiry of the facts alleged by the petitioners in their complaint, and that, as their counsel, he prayed that the depositions so taken might be admitted in evidence before this House.

And then the House took into consideration the proposition made by Mr. Miller on the part of the petitioners, Mr. Horsey, the returned member for Sussex County being present, and

thereupon recommended it to Mr. Miller to reduce his proposition in writing, and present the same at the meeting of the House in the afternoon, when it was also recommended to the returned member to declare his sense thereof in writing.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met according to adjournment.

Mr. Miller, counsel on the part of the petitioners, presented to the Chair the following petition, viz:

To the honorable the Legislative Council of the Delaware State:

The subscriber respectfully represents, that as the witnesses summoned by the honorable Assembly to give evidence on the controverted election for the County of Sussex, agreeably to the prayer of the petition now before the honorable Legislative Council, have returned home, and as the testimony of those witnesses has been taken in writing by the other honorable branch of the Legislature, the subscriber, in order to avoid expense and delay, prays, on behalf of the petitioners, whom he represents as their counsel, that the depositions of the said witnesses, as taken by the honorable Assembly, may be received by your honorable House as legal evidence concerning the election now in dispute.

JOSEPH MILLER,

Dover, 21st Jan., 1788. *Counsel for the petitioners.*

Mr. Isaac Horsey, the returned member for Sussex County, also presented to the Chair the following declaration, viz:

I, Isaac Horsey, a returned member for the County of Sussex to the Legislative Council of the Delaware State, chosen and elected on the 26th of Nov. last, which election is now controverted, do, for the more easy and speedy determination of the legality of the said election, hereby agree that the depositions lately taken before the honorable House of Assembly of this

State, touching the legality of the said election, may be read and taken as evidence in this House so far forth as may tend to prove either the legality or illegality of said election.

Witness my hand this 21st day of January, Anno Domini, 1788. ISAAC HORSEY.

On motion,

Resolved, That this House, agreeable to the above prayer of Mr. Miller, counsel on the part of the petitioners, and the declaration of Isaac Horsey, returned member, will receive the depositions of the said witnesses, as taken by the House of Assembly, in evidence as to the election now in dispute.

It was then represented by Mr. Miller, counsel on the part of the petitioners, that the House of Assembly, not having yet acted upon the testimony contained in the depositions taken before them on the contested election for Sussex County, he could not, as yet, with propriety, apply to that House for a transmission of those depositions to Council, but that he was informed the business of considering and deciding thereon would be speedily taken up by the House of Assembly and that he should immediately after make the application for such transmission.

Adjourned to 10 o'clock to-morrow morning.

TUESDAY, A. M., January 22d, 1788.

Council met according to adjournment. Present the same members, except Mr. Cook.

Mr. Speaker laid upon the table a message from the President to the General Assembly, delivered to him by a member of the House of Assembly, accompanied with letters and papers therein referred to; which said message was read, and is as follows:

Gentlemen of the General Assembly:

Since my last message to you the following dispatches have come to my hand:

A letter from the Secretary of Congress, of the 18th of October last, with its inclosures; another from the Board of Treasury, circular, of the 8th of November, with its inclosures; and two others from the Governor of Virginia, one of November 14, the other of December 27, with their inclosures. All of which I have requested your Clerk to lay before your honors, for your consideration. THOMAS COLLINS.

January 21, 1788.

All which letters and papers were read, except the letter from the Board of Treasury "Circular," of the 8th of November last, with its inclosures, which do not appear among the said letters and papers referred to in the said message.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council met according to adjournment.

Adjourned till to-morrow morning, 10 o'clock.

WEDNESDAY, A. M., January 23, 1788.

Council met. Present the same members.

Mr. Evans, a member of Assembly, attending, was admitted and delivered to the Chair the petitions from Sussex County, signed by four hundred and five petitioners, complaining of an undue election in said county, and the depositions of the witnesses examined and taken, in writing, by the House of Assembly, together with the list of voters and polls, or tallies, concerning the same, for the consideration of this House.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met according to adjournment.

Mr. Vandyke appeared in the House and took his seat.

On motion, ordered,

That a verbal message be sent to the House of Assembly, representing that the Council are informed that the declaration of Rhoads Shankland, Esq., a returned member of the House of Assembly at the late contested election for Sussex County, was received in that House, of a fact stated in the petition against the said election, to wit: "That the said Rhoads Shankland was seen, on the Sunday preceding the said election, at the head of a party, armed with muskets, going toward the place of election;" and the same declaration not appearing among the written testimony laid before the Council respecting the said election, and requesting that the honorable House of Assembly will have that declaration reduced to writing and transmit the same to this House as soon as conveniently may be.

Adjourned to 10 o'clock to-morrow morning.

THURSDAY, A. M., January 24, 1788.

Council met according to adjournment. Absent, Mr. Tilton.

Mr. Vining, a member of the House of Assembly, attending, was admitted and delivered to the Chair the following message, viz:

A MESSAGE FROM THE HOUSE OF ASSEMBLY TO THE LEGISLATIVE COUNCIL.

Gentlemen:

The House of Assembly beg leave to inform the Legislative Council that the declaration of Rhoads Shankland, Esquire,

amounted in substance to the following information, viz: "That the said Rhoads Shankland, as the distance from his house to the place of holding the late election was considerable, went part of the way on Sunday evening, on which evening he was overtaken by three men armed with muskets, with whom he rode some distance, after which they separated."

The House now went into the consideration of the petition from Sussex County respecting the contested election, and after some time spent therein, on motion, the same was postponed until three o'clock this afternoon.

Adjourned to 3 o'clock in the afternoon.

EODEM DIE, P. M.

Council met according to adjournment, and, agreeable to order, resumed the consideration of the petitions from Sussex County, together with the testimony transmitted from the House of Assembly respecting the same.

On motion, "Shall Council postpone the business of the Sussex election until to-morrow morning?" Passed in the negative.

On motion, that the petition from Sussex County, complaining of an undue election there, on the 26th of November last, of a member to represent that county in this House, be dismissed, and that the return made of the election of Isaac Horsey as a member of this House, to represent that county, be confirmed; and thereupon

Resolved unanimously, That the said petition be dismissed, and that the said return be confirmed.

Adjourned to 10 o'clock to-morrow morning.

FRIDAY, A. M., January 25th, 1788.

Council met according to adjournment. Absent, Mr. Baning.

Isaac Horsey, the returned member for Sussex County, now took the oath of allegiance and subscribed the declaration of faith prescribed by the twenty-second article of the Constitution of this State. [*See note on page 10.*]

On motion of Mr. Read, that a committee be appointed to bring in a bill for repealing all such acts or parts of acts as are repugnant to the treaty of peace between the United States and his Britannic Majesty,

The committee appointed to bring in the said bill were Mr. Read, Mr. Vandyke, and Mr. Horsey.

Ordered, That Mr. Polk return to the House of Assembly the President's Message of the 21st of January, together with the letter from the Secretary of Congress, of the 18th of October, and its inclosures, and one set of the letters and resolutions from the President of Virginia, of the 14th of November, and the letter of the 27th of December, with one copy of an act of the General Assembly of that State therein inclosed.

The committee appointed to bring in a bill for repealing all such acts or parts of acts as are repugnant to the treaty of peace between the United States and his Britannic Majesty, now presented a draught thereof on the table; which, by order, was read.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met according to adjournment.

The Speaker laid on the table a bill entitled "An act for incorporating the Physicians of this State," which had been delivered to him by a member of the House of Assembly. The said bill was read.

Ordered to lie on the table.

The bill for repealing all such acts or parts of acts as are repugnant to the treaty of peace between the United States and his Britannic Majesty, was, by special order, read a second time.

The said bill was read a third time and passed the House.

Ordered, That Mr. Horsey wait on the House of Assembly with the aforesaid bill, for their consideration and concurrence;

Who, being returned, reported the delivery thereof agreeable to order.

Adjourned to 10 o'clock to-morrow morning.

SATURDAY, A. M., January 26th, 1788.

Council met agreeable to adjournment. Mr. Baning now appeared in the House.

Mr. Massey, a member of the House of Assembly, attending, was admitted and presented to the Chair a memorial of Joshua Clayton, Esquire, together with a report of a committee of that House respecting the same; which, upon motion, were read the first time.

The bill empowering the Board established by Congress to liquidate and settle the accounts between the United States and individual States, having been read in Council the 2d of February, 1787, was now read a second time.

On motion, that the same be referred to a committee of three to report thereon, the members appointed were Mr. Vandyke, Mr. Read, and Mr. Baning.

Council now went into the consideration of the bill to repeal the act entitled "An act for the further security of the Government," which was read the first time in Council on the 6th of November last, and the same was postponed until Monday next.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met. Present the same members.

Mr. Polk, a member of the House of Assembly, attending, was admitted and presented to the Chair a bill for continuing an act entitled "An act for the settlement of the accounts of the Wilmington Lottery."

The same member also returned the bill for repealing all acts or parts of acts repugnant to the treaty of peace between the United States and his Britannic Majesty, concurred in by that House.

Whereupon ordered that the said bill be engrossed.

The bill for continuing an act entitled "An act for the settlement of the Wilmington Lottery," was read the first time.

Mr. Read presented to the Chair a petition of William Brown, praying an appointment of Judges of Appeals; which was read.

Ordered to lie on the table.

The bill for continuing an act entitled "An act for the settlement of the accounts of the Wilmington Lottery," was, by special order, read a second time and passed the House.

Ordered, That Mr. Polk wait on the House of Assembly and return the said bill, concurred in by Council.

Adjourned to 10 o'clock on Monday morning.

MONDAY, A. M., January 28, 1788.

Council met according to adjournment.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

The Council met according to adjournment.

The House now resumed the consideration of the bill to repeal the act entitled "An act for the further security of the Government," and the same was deferred for further consideration.

Adjourned to 10 o'clock to-morrow morning.

TUESDAY, A. M., January 29, 1788.

Council met according to adjournment.

Mr. Speaker laid upon the table a petition of Sarah Tully, for appointing Commissioners for the Town of Dover, a report of a committee of the House of Assembly thereupon, and a bill appointing Commissioners for the town aforesaid, &c., which were delivered him by a member of that House.

The said papers were severally read. Ordered to lie on the table.

Mr. Hazzard, a member of the House of Assembly, attending, was admitted and presented to the Chair three petitions from sundry owners of marshes on St. Georges Creek, together with a report of two of a committee appointed to view said marsh; also a bill entitled "A supplementary act to an act entitled 'An act for stopping St. Georges Creek and for embanking and draining a quantity of marsh and cripple on both sides the said creek, being deemed about three thousand acres, situate in Red Lion and St. Georges Hundreds and County of New Castle, and for keeping the dykes and drains belonging to the same in good order and repair,'" and a letter from William Hall to Henry W. Pearce, accompanying the same.

On motion, by order, the said papers were severally read.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met according to adjournment.

The committee to whom was referred the bill to authorize the Board established by Congress for liquidating public accounts and call before them witnesses, &c., now report, that they apprehend such provision as was intended by the said bill to be made is rendered unnecessary by an alteration in the establishment of the board aforesaid and a repeal of the act of the 13th of October, 1786, by their subsequent act of May last.

Which report being read and approved, the bill aforesaid is disagreed to, and ordered to be returned to the House of Assembly, with a copy of the foregoing entry of the report and proceeding thereon.

Ordered, That Mr. Vandyke wait on the House of Assembly and return the said bill, with the report of the committee thereon, and a letter, of the 16th of October, 1786, from the Secretary of Congress, No. 5, and its inclosure, No. 5.

Council now resumed the consideration of the bill for repealing an act entitled "An act for the further security of the Government;" whereupon, on motion, ordered that the said bill be referred to a committee of three, viz: Mr. Vandyke, Mr. Read, and Mr. Polk, to report thereon.

The memorial of Joshua Clayton, Esquire, and the report of a committee of the House of Assembly thereupon, was, by order, read a second time; and the question being put, "Do this House agree to the said report?" the House was divided, and Mr. Speaker gave his voice in the affirmative.

Ordered, That Mr. Laws wait on the House of Assembly and return the said memorial, with the report of the committee thereupon.

Adjourned to 10 o'clock to-morrow morning.

WEDNESDAY, A. M., January 30, 1788.

The Council met according to adjournment.

Mr. Laws reported the delivery of the last mentioned papers to the House of Assembly, agreeable to order.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met according to adjournment.

On motion, by order, the bill entitled "An additional supplementary act to an act entitled 'An act for stopping St. Georges Creek and for embanking and draining a quantity of marsh and cripple on both sides of the said creek, &c.,'" was read a second time.

On motion, that Mr. Henry W. Pearce, one of the principal owners of the marsh aforesaid, be admitted before this House to give information respecting the circumstances of the marsh and cripple on the said St. Georges Creek, the same was granted.

Council then proceeded to the consideration of the said bill, and after some time spent therein, the same was deferred until to-morrow morning.

Adjourned to 10 o'clock to-morrow morning.

THURSDAY, A. M., January 31st, 1788.

Council met according to adjournment. Mr. Tilton now appeared in the House.

Mr. Massey, a member of the House of Assembly, attending, was admitted and delivered to the Chair a paper, No. 1, purporting to be proposals, by George Read, to the honorable committee of that House, as to a revision of the Acts of Assembly of this State for the purpose of reprinting the same, and a resolution of that House accepting and agreeing to the said proposals.

Agreeable to the order of yesterday, Council resumed the consideration of the bill entitled "An additional supplementary act to an act entitled 'An act for stopping St. Georges Creek, &c;' " which, by order, was read a third time by paragraphs, and an amendment proposed and agreed to.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

The Council met according to adjournment.

Ordered, That the amendment proposed to the last mentioned bill be transcribed and sent, with the said bill, to the House of Assembly, by Mr. Laws, for their consideration.

Mr. Laws reported the delivery thereof according to order.

On motion, by order,

The paper, No. 1, purporting to be proposals by George Read, Esq., for revising the Laws of this State, and the resolution of the House of Assembly thereon, were read the first time.

Mr. Cannon, a member of the House of Assembly, attending, was admitted and delivered to the Chair the following resolution:

IN THE HOUSE OF ASSEMBLY, P. M., Jan. 31, 1788.

On motion,

Resolved, That Mr. Cannon wait on the Council, and propose to that honorable body that both Houses of the General Assembly meet, in the Council Chamber, to-morrow morning at twelve o'clock, to put in nomination persons to be balloted for to fill the vacancies of Justices for the Courts of Common Pleas and Orphans' Courts for the Counties of New Castle and Kent.

Extract from the minutes. JAS. BOOTH,

Sent for concurrence. *Cl'k of Assembly.*

The same member delivered to the Chair a resolution of that House for adjourning on Saturday next to some future day, and returned also the bill entitled "A supplementary act to an act entitled 'An act for stopping St. Georges Creek, &c.,'" and the amendment proposed by Council acceded to by that House.

The said resolution was read.

On motion,

Resolved, That Council concur in the above resolution of the House of Assembly for putting in nomination persons to be balloted for to supply the vacancies of Justices in the Courts of Common Pleas and Orphans' Courts for the Counties of New Castle and Kent.

Ordered, That the same be returned to the House of Assembly, by Mr. Polk, as concurred in by this House.

Adjourned to ten o'clock to-morrow morning.

FRIDAY, A. M., February 1, 1788.

The Council met according to adjournment.

Mr. Shankland, a member of the House of Assembly, attending, was admitted and presented to the Chair the Auditor's Report of the 6th of November, 1787, and a report of a com-

mittee of that House respecting the revising and reprinting the Laws of this State, which had been omitted amongst the papers sent to Council yesterday afternoon respecting the same; which said papers were, by order, severally read.

On motion,

Resolved, That the Auditor's Report aforesaid be concurred in.

Mr. Robinson, a member of the House of Assembly, being admitted, presented to the Chair a petition of William Brown for the institution of a Court of Appeals, a report of a committee of that House thereupon, and a bill for establishing a Court of Appeals.

The Council and the House of Assembly met, in the Council Chamber, and proceeded to the nomination of persons out of whom Justices shall be elected, by ballot, to fill the vacancies in the Courts of Common Pleas and Orphans' Courts for the Counties of New Castle and Kent, as follows:

For New Castle County—Thomas McDonough, Esq., Thomas Robinson, Esq.

For Kent County—John Clayton, Esq.

Resolved, That the Speakers of the two Houses be desired to notify his Excellency, the President, by letter, of the aforesaid nominations, and to request his attendance, at one o'clock in the afternoon of to-morrow, to ballot for Justices to fill the vacancies aforesaid.

Resolved, That both Houses now separate, and that they meet again to-morrow, at one o'clock in the afternoon, to ballot for Justices to fill the vacancies aforesaid.

Then the two Houses separated, and Council adjourned to 3 o'clock.

Eodem Die, P. M.

Council met according to adjournment.

Mr. Massey, a member of the House of Assembly, attending, was admitted and presented to the Chair a bill for suspending the operation of an act respecting the estate of John Vining, Esq., deceased.

Ordered, That Mr. Tilton wait on the House of Assembly and return the Auditor's Report of the 6th of November, 1787, concurred in by this House.

On motion, by order,

The memorial of William Brown, and the report of the committee of the House of Assembly thereon, together with the bill for establishing a Court of Appeals for this State, were severally read.

Ordered to lie on the table.

The bill for suspending the operation of an act respecting the estate of John Vining, Esq., deceased, was, by order, read.

Ordered to lie on the table.

By special order, the bill for establishing a Court of Appeals, was read a second time.

The said bill was read a third time by paragraphs, and after several amendments being proposed and agreed to, the same was ordered to be transcribed and sent, with the said bill and the several papers which accompanied the same, to the House of Assembly, for their consideration.

Mr. Latimer, a member of the House of Assembly, was admitted and delivered to the Chair the Auditor's Report, dated Jan. 29th, 1788, agreed to by that House, sent for the consideration and concurrence of Council.

On motion,

Resolved, That Council concur in the resolution of the House

of Assembly respecting the proposals contained in the paper, No. 1, of George Read, Esq., for revising and reprinting the Laws of this State.

Ordered, That the same be returned to the House of Assembly, by Mr. Horsey, as acted upon by this House.

Adjourned to 10 o'clock to-morrow morning.

SATURDAY, A. M., Feb. 2d, 1788.

Council met according to adjournment. Mr. Cook appeared in the House.

Mr. Horsey reported the delivery of the last mentioned papers, agreeable to order.

On motion, by order,

The bill for suspending the operation of an act respecting the estate of John Vining, Esq., deceased, was read a second time.

The said bill was read a third time by paragraphs, and several amendments being proposed thereto, was agreed to by Council.

On motion, by order, the Auditor's Report of the 29th of January, 1788, was read and concurred in.

Ordered, That the amendments proposed to the foregoing bill be transcribed and returned, with the said bill and the Auditor's Report, to the House of Assembly by Mr. Tilton.

The Council and the House of Assembly having met, in the Council Chamber, for the purpose of electing Justices to fill the vacancies in the Courts of Common Pleas and Orphans' Courts for the Counties of New Castle and Kent, it was resolved and declared by both Houses that, although the vacancy in the Court of Common Pleas and Orphans' Court for the County of Kent was occasioned by the appointment of Thomas Collins, Esq., late Chief Justice thereof, to the Presidency of this State, yet it was not the intention of the General Assembly that the

person nominated was to be appointed to fill the place of Chief Justice, but the vacancy *only of a Justice of the said Courts*, and therefore that the nomination for the County of Kent remain open; whereupon a new one was made, as follows:

Richard Smith, Esq., was proposed for Chief Justice; Thomas White, Esq., for second Justice; James Bellach, Esq., for third Justice; John Clayton, Esq., for fourth Justice; and Isaac Carty, Esq., for fourth Justice of the said Courts.

Resolved, That both Houses meet, in the Council Chamber, at three o'clock in the afternoon, to elect Justices to fill the vacancies aforesaid.

The two Houses being informed that, in consequence of the notification of yesterday, his Excellency, the President, is now in town,

Ordered, That Mr. Grantham, Mr. Vining, and Mr. Mitchell be a committee to wait on his Excellency, the President, and inform him that the General Assembly will be convened, in the Council Chamber, at three o'clock in the afternoon, to elect Justices to fill the vacancies in the Courts aforesaid, and request the attendance of his Excellency.

Then the two Houses separated, and Council adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met according to adjournment.

Agreeable to the order of the day, the Council and the House of Assembly met, in the Council Chamber, and his Excellency, the President, being conducted in by the committee, the President and General Assembly proceeded, by joint ballot, to the election of Justices, separately, to supply the vacancies in the Court of Common Pleas and and Orphans' Court for the County of New Castle, and the ballot being taken and examined, Thomas McDonough, Esq., was declared to be duly elected third Justice

of the said Courts, and Thomas Robinson, Esq., was declared to be duly elected fourth Justice of the said Courts.

The President and General Assembly proceeded, by joint ballot, to the election of Justices, separately, to supply the vacancy in the Court of Common Pleas and Orphans' Court for the County of Kent, and the ballots being taken and examined, Richard Smith, Esq., second Justice, was declared to be duly elected Chief Justice of the said Courts; Thomas White, Esq., third Justice, was declared to be duly elected second Justice of the said Courts; James Bellach, Esq., fourth Justice, was declared to be duly elected third Justice of the said Courts, and John Clayton, Esq., was declared to be duly elected fourth Justice of the said Courts.

The President withdrew, both Houses separated, and the Council met in the Council Chamber.

The House went into the nomination, and afterwards balloted for three persons as Judges of the Court of Appeals, and the votes being cast up, it was declared that John Dickinson, Nicholas Vandyke, and Joshua Clayton, Esquires, were duly elected.

Ordered, That the same be transcribed and sent to the House of Assembly by Mr. Cook.

Mr. Hazzard, a member of the House of Assembly, was admitted and presented to the Chair a letter from the Honorable Dyre Kearney to the Speaker of the House of Assembly, with its inclosures, and a report of a committee of that House thereupon.

Mr. Speaker laid on the table a bill to enforce the collection of outstanding taxes, delivered to him by a member of the House of Assembly, sent for the concurrence of Council; which was read.

By special order, the said bill was read the second time and disagreed to.

On motion, for leave to bring in a bill entitled "A supplementary act to the act entitled 'An act to alter and supply certain parts of an act entitled 'An act for raising ten thousand five hundred pounds for the year one thousand seven hundred and eighty-seven,' and to repeal an act entitled 'An act for appropriating the sum of ten thousand five hundred pounds,' and for other appropriation thereof, and other purposes,'" the same was

granted; whereupon Mr. Read presented to the Chair a bill for that purpose, which was read.

By special order, the said bill was read a second time.

Mr. Massey, a member of the House of Assembly, was admitted and delivered to the Chair the following engrossed bills, viz: "An act to establish a Court of Appeals in this State;" "An act for continuing an act entitled 'An act for the settlement of the Wilmington Lottery,'" and "A further supplement to an act entitled 'An act for the recovery of one thousand five hundred and fifty-three pounds eighteen shillings and six pence, due from the estate of John Vining, Esq., deceased, formerly one of the Trustees of the Loan Office for the County of Kent,'" signed by the Speaker of that House.

The aforesaid acts were then severally compared. Ordered that the same be signed by the Speaker.

The bill entitled "A supplementary act to the act entitled 'An act to alter and supply certain parts of an act entitled 'An act for raising £10,500 for the service of the year 1787,' and to repeal an act,' &c.," was read a third time by paragraphs and passed the House.

Ordered, That Mr. Polk wait on the House of Assembly and deliver the aforesaid bill for their consideration and concurrence, and also return the last mentioned engrossed bill together with the engrossed bill entitled "An additional supplementary act to the act entitled 'An act for stopping St. George's Creek, and for embanking and draining a quantity of marsh and cripple on said creek," and also the engrossed bill entitled "An act for repealing all acts or parts of acts repugnant to the treaty of peace between the United States and his Britannic Majesty," signed by the Speaker of this House, which last mentioned act is sent to be signed by the Speaker of the House of Assembly.

The same member also returned the bill to enforce the collection of the outstanding taxes, as disagreed to by this House.

On motion, ordered,

That the Clerk of the Council give public notice, by advertisement, to be fixed on the door of the Court House in the Town of Dover, that a bill for appointing Commissioners for the said Town

of Dover, and vesting in them divers powers of regulation, is now before the Council, the consideration whereof will be resumed at their next meeting, at which time any person having objections to the said bill or parts thereof may appear and make the same, and that a copy of the said bill may be obtained by application to the Clerk of the Council.

On motion, by order,

The letter from the honorable Dyre Kearney to the Speaker of the House of Assembly, inclosing the statement of his account with the Delaware State, as also inclosing an account of the honorable Nathaniel Mitchell against the Delaware State, and the resolution of the House of Assembly thereon, were severally read.

Resolved, That the said resolution of the House of Assembly be concurred in.

Ordered, That the said papers be returned to the House of Assembly by Mr. Horsey, as acted upon by this House.

The same member also returned the three petitions of the owners of the St. George's meadows, and a report of a committee of that House thereon.

Resolved, That the Council proceed to put in nomination persons out of whom shall be elected a Privy Councillor in the room of Charles Pope, whose time is expired, agreeable to the Constitution of this State; and thereupon Allen McLane, Esquire, only was nominated.

The House proceeded to the ballot, which being examined, the said Allen McLane, Esq., was declared to be duly elected.

Resolved, That a certificate of the appointment of John Dickinson, Nicholas Vandyke, and Joshua Clayton, Esquires, by the Council, as Judges of the Court of Appeals, be made out, signed by the Speaker, and delivered to the President, in order that they may be commissioned by him, agreeable to the 17th Article of the Constitution or System of Government of this State.

Mr. Polk, a member of the House of Assembly, was admitted and delivered to the Chair the engrossed bill entitled "A supplementary act to the act entitled 'An act to alter and supply certain parts of an act entitled 'An act for raising £10,500 for the service

of the year 1787,' and to repeal an act entitled 'An act for appropriating, &c.,' " signed by the Speaker of that House.

The said bill was compared and signed by the Speaker of Council.

The same member also delivered the following resolution:

IN THE HOUSE OF ASSEMBLY, Feb. 2, 1788.

On motion,

Resolved, That the President and Commander-in-Chief affix the Great Seal of the State to the following acts:

1. An act for continuing an act entitled 'An act for the settlement of the accounts of the Wilmington Lottery;' "

2. "A further supplement to an act entitled 'An act for the recovery of one thousand five hundred and fifty-three pounds, eighteen shillings and six pence, due from the the estate of John Vining, Esq., deceased, formerly one of the Trustees of the Loan-Office for the County of Kent;' "

3. "An additional supplementary act to an act entitled 'An act for stopping St. George's Creek, and for embanking and draining a quantity of marsh and cripple on both sides of the said Creek, being deemed about three thousand acres, situate in Red Lion and St. George's Hundreds, and County of New Castle, and for keeping the dikes and drains belonging to the same in good order and repair;' "

4. "An act for repealing all acts, or parts of acts, repugnant to the treaty of peace between the United States and his Britannic Majesty, or any article thereof;"

5. "An act to establish a Court of Appeals in this State;"

6. "A supplementary act to the act entitled 'An act to alter and supply certain parts of an act entitled 'An act for raising ten thousand five hundred pounds for the service of the year one thousand seven hundred and eighty-seven,' and to repeal an act entitled 'An act for appropriating the sum of ten thousand five hundred pounds, and for other appropriation thereof, and other purposes.' "

Sent for concurrence.

JAS. BOOTH, *Cl'k of Assembly.*

On motion,

Resolved, That the same be concurred in.

Ordered, That Mr. Horsey wait on the House of Assembly and return the said engrossed bills and resolution.

A written notice was delivered to the Chair, signed by the Speaker of the House of Assembly, of the adjournment of that House to the 27th of May next.

Then Council allowed the following accounts, viz:

To the Hon. Thomas McDonough, Esq., Speaker, for his attendance in Council, 25 days and mileage,	£	23	10 0
To George Read, Esq., for 19 do. and mileage,		12	18 0
To Nicholas Vandyke, Esq., 11 do. do.,		8	5 0
To John Baning, Esq., 16 do.,		9	12 0
To James Tilton, Esq., 8 do.,		4	16 0
To John Cook, Esq., 14 do. do.,		8	16 0
To Alexander Laws, Esq., 24 do. do.,		15	10 8
To Daniel Polk, Esq., 18 do. do.,		11	9 0
To Isaac Horsey, Esq., 18 do. do.,		12	9 3
To James Sykes, Esq., for transcribing, &c., last session,		3	17 6
To John E. Clayton, 17 days' attendance, engrossing a bill, and cash expended,		11	15 9
To Benjamin Crooks, 27 days' attendance as Doorkeeper, and notifying seven persons to attend Council,		12	15 0
To Mrs. Elizabeth Battell, for the use of a room, firewood and candles,		20	0 0
	£	155	14 2

On motion,

Resolved, That orders be drawn on the State Treasurer by the Speaker for the payment of the several sums aforesaid.

Whereupon orders were drawn and signed accordingly.

Then Council adjourned to the 27th day of May next.

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

ADJOURNED SESSION, MAY, 1788.

At a session commenced at Dover, on Tuesday, the twenty-seventh day of May, in the year of our Lord one thousand seven hundred and eighty-eight, divers of the members met, but the number not being a quorum, adjourned to Wednesday, when there appeared as follows:

For New Castle County—Thomas McDonough, Esq., Speaker.

For Kent County—James Tilton, John Baning, John Cook.

For Sussex County—Alexander Laws.

By order, the minutes of the last sitting of Council were read.

Adjourned to 10 o'clock to-morrow morning.

THURSDAY, A. M., May 29, 1788.

Divers of the members met, but the number not being sufficient to form a quorum, adjourned to 10 o'clock to-morrow morning.

FRIDAY, A. M., May 30, 1788.

Council met. Present the same members as on Wednesday last.

On motion, by order,

The bill entitled "An act to incorporate the Physicians of the Delaware State, and for other purposes therein mentioned," read in Council on the 25th of January last, was now read a second time.

Ordered that the same be referred to a committee of three, to report thereon. The members appointed are Mr. Speaker, Mr. Tilton, and Mr. Cook.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met. Present the same members.

Mr. Tilton, from the committee to whom was referred the bill entitled "An act to incorporate the Physicians of the Delaware State, &c.," reported several amendments, which were read and agreed to.

Ordered, That the same be transcribed and sent, with the said bill, to the House of Assembly, by Mr. Cook, for their concurrence.

Adjourned to 10 o'clock to-morrow morning.

SATURDAY, A. M., May 31, 1788.

Council met. Present the same members, and Mr. Read.

Adjourned to 10 o'clock, Monday morning.

MONDAY, P. M., June 2d, 1788.

Council met. Present all the members, except Mr. Vandyke.

Mr. Vining, a member of the House of Assembly, was admitted and delivered to the Chair a bill entitled "An act to supply the loss of a deed made to Benjamin Chandler by the heirs of Goldsmith Edward Folwell, deceased;" which was read.

Ordered to lie on the table.

Mr. Read applied for leave of absence, which was granted.

Adjourned to 10 o'clock to-morrow morning.

TUESDAY, A. M., June 3d, 1788.

Council met according to adjournment.

The bill entitled "An act to supply the loss of a deed made to Benjamin Chandler by the administrators of G. E. Folwell, deceased," was read a second time and deferred for further consideration.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met according to adjournment.

Mr. May, a member of the House of Assembly, was admitted and delivered to the Chair several notifications and certificates of Benjamin Chandler relative to a lost deed; which were read.

Council took into consideration the bill entitled "An act to supply the loss of a deed made to Benjamin Chandler by the

heirs of Goldsmith E. Folwell, deceased," and after some time spent therein, the same was deferred for further consideration.

The committee to whom was referred the consideration of the bill entitled "An act to repeal the act for the further security of the Government," now report in favor of the same, but are of opinion that provision should be made for the naturalization of foreigners, as the act of Assembly now in being for that purpose, since the change of government, is inadequate thereto; therefore they have essayed a draught of a bill, by way of supplement to that act of Assembly, which they submit to the consideration of Council.

On motion, by order,

The bill entitled "A supplementary act to the act entitled 'An act for naturalization,'" was read.

By special order,

The bill entitled "An act to repeal an act entitled 'An act for the further security of the Government,'" was read a third time by paragraphs and passed the House.

By special order,

The bill entitled "A supplementary act to the act entitled 'An act for naturalization,'" was read a second time, and a third time by paragraphs and passed the House.

Ordered that the said bill be transcribed.

Adjourned to 10 o'clock to-morrow morning.

WEDNESDAY, A. M., June 4, 1788.

Council met according to adjournment.

Ordered, That Mr. Cook wait on the House of Assembly and deliver the last mentioned bill for their consideration and concurrence, and return the bill entitled "An act to repeal an act enti-

tled 'An act for the further security of the Government,' " as agreed to by Council.

Mr. Tilton delivered to the Chair the Auditor's report of the outstanding taxes of this State; which was read.

Ordered to lie on the table.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met.

Mr. Speaker laid on the table the petition of Benjamin Chandler respecting a lost deed, which had been omitted among the other papers relative thereto; also two petitions from divers inhabitants of New Castle County, praying leave to bring in a bill for the establishing of public marts or fairs at Cantwell's Bridge, in said county; which were read.

Ordered to lie on the table.

Mr. Hazzard, a member of the House of Assembly, being admitted, delivered to the Chair a bill entitled "An act to enable John Warren, administrator *de bonis non* of Henry Killen, deceased, to convey unto Reynear Williams, administrator of Elijah Sipple, deceased, certain tracts of land situate in Mispillion Hundred, Kent County;" also the petition on which the said bill is founded, and a communication from the Auditor, of the 4th June, 1788; which were read.

Ordered to lie on the table.

The same member also delivered to the Chair a resolution of the House of Assembly; which was read, and is as follows:

IN THE HOUSE OF ASSEMBLY, June 4, 1788.

On motion,

Resolved, That a Joint Committee of both Houses be appointed to consider the finances of this State of every kind and nature

whatsoever; and for the purpose of enabling such committee to discharge the said duty, and for their information therein, that they be directed to require the Auditor to furnish them with a general account of all debts due by the State, of all debts due to the State, and of all engagements of the public to be speedily complied with, arranging them distinctly in the manner required by the 12th, 13th, and 14th sections of the act for amending and continuing the provisions made in the act for auditing and arranging the accounts of this State; that they have power to require of all officers of this State intrusted with the public monies, mortgages, pledges, or other securities whatsoever, or of any persons whom it may concern, distinct and clear accounts of the same; and to examine into the sufficiency of sureties in all cases where bonds have been given for the execution of such trusts; and generally that they take such steps and report such measures as they may deem necessary to be adopted for the better conducting, directing, and ordering the revenues or finances of this State. The members appointed on the part of this House are Mr. May, Mr. Clayton, Mr. Vining, Mr. Shankland, and Mr. Gordon.

Sent for concurrence.

JAS. BOOTH, *Cl'k of Assembly.*

On motion,

Resolved, That Council concur in the above resolution.

The members appointed on the part of this House, are Mr. Read and Mr. Cook.

Ordered, That Mr. Polk wait on the House of Assembly with the same, as acted upon by this House.

Adjourned to 10 o'clock to-morrow morning.

THURSDAY, June 5, 1788, A. M.

Council met according to adjournment.

Mr. McCall, a member of the House of Assembly, being admitted, presented to the Chair a memorial of Thomas Rodney, Esq., executor of the testament and last will of Cæsar Rodney, Esquire, deceased, who was acting Trustee of the Loan Office for the County of Kent, praying a reëxamination of the accounts of the said office, together with a resolution of that House thereupon; which were read, and deferred for further consideration.

The same member also delivered to the Chair a bill entitled "An act to appropriate the perquisites arising on tavern and marriage licenses;" which was read.

Ordered to lie on the table.

On motion of Mr. Read, for leave to bring in a bill for limiting the time for keeping open the Courts of General Quarter Sessions of the Peace and Goal Delivery in the respective Counties of this State, the same was granted; whereupon he presented to the Chair a bill for that purpose; which was read.

Ordered to lie on the table.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met according to adjournment.

Mr. Hays, a member of the House of Assembly, was admitted and delivered, for the consideration and concurrence of Council, a bill, which was read, entitled "An act to provide for the appropriation of such certificates of depreciation as have not been claimed by the persons justly entitled to the same," and returned the bill entitled "A supplementary act to the act for naturali-

zation," with an amendment proposed by that House, which was read.

Ordered to lie on the table.

The same member also presented to the Chair the President's message of the 28th of January, 1788, setting forth the many evils which have arisen from the frequent practice of some of the Justices holding their meetings for the administration of justice at public inns or taverns, and the great impropriety of Judges or Justices of the Peace keeping public inns or taverns, and calling the attention of the General Assembly on those subjects; also relinquishing the perquisites arising on tavern and marriage licenses, and requesting the appropriation thereof to some other purpose; which was read.

Ordered to lie on the table.

Mr. Latimer, a member of the House of Assembly, was admitted, and delivered to the Chair a bill entitled "An act to authorize and empower the executors of the testament and last will of Richard McWilliam, the younger, late of New Castle County, deceased, to convey, in trust for the heirs and representatives of Patrick Lyons, deceased, a certain tract or parcel of land situate in Appoquinimink Hundred, in the County of New Castle," together with a petition from the said executors, and sundry other papers, upon which the said bill is founded; which were read.

Ordered to lie on the table.

Mr. Revell, a member of the House of Assembly, was admitted and presented to the Chair a bill entitled "An act to regulate marriages," and a petition upon which the said bill is founded; which were read.

Ordered to lie on the table.

Council resumed the consideration of the bill entitled "An act to supply the loss of a deed made to Benjamin Chandler by the administrators of Goldsmith E. Folwell, deceased; which, being read the third time, by paragraphs, and amended, passed the House.

Ordered, That the said amendments be transcribed and sent, with the bill, to the House of Assembly for their consideration and concurrence.

The bill entitled "An act to empower John Warren, administrator *de bonis non* of Henry Killen, deceased, to convey to Reynear Williams, administrator of Elijah Sipple, deceased, certain tracts of land situate in Mispillion Hundred, Kent County," was read a second time.

Ordered, That the said bill, and the petition on which it is founded, be referred to Mr. Cook, Mr. Baning, and Mr. Polk, to report thereon.

Council took into consideration the amendment proposed by the House of Assembly to the bill entitled "A supplementary act to the act entitled 'An act for naturalization,'" and acceded to the same.

Ordered that the said bill be engrossed.

Adjourned to ten o'clock to-morrow morning.

FRIDAY, June 6, 1788, A. M.

Council met according to adjournment.

The committee to whom was referred the bill entitled "An act to empower John Warren, administrator *de bonis non* of Henry Killen, deceased, to convey to Reynear Williams, administrator of Elijah Sipple, deceased, certain tracts of land, &c.," brought in their report; which was read.

Ordered to lie on the table.

The bill entitled "An act to provide for the appropriation of such certificates of depreciation as have not been claimed by the persons justly entitled to the same," was read a second time and deferred for further consideration.

The bill entitled "An act for limiting the time of holding the Courts of Quarter Sessions of the Peace and Goal Delivery in the respective Counties of this State," was read a second time and deferred for further consideration.

The bill entitled "An act to regulate marriages," was read a second time and deferred for further consideration.

A member of the House of Assembly was admitted and delivered to the Chair a bill entitled "An act to continue in force an act entitled 'An act to increase the daily allowance to Grand and Petit Jurors and Witnesses;' " which was read.

Ordered to lie on the table.

The Council proceeded to the consideration of the bill entitled "An act to empower John Warren, administrator *de bonis non* of Henry Killen, deceased, to convey to Reynear Williams, administrator of Elijah Sipple, deceased, certain tracts of land situate in Mispillion Hundred, Kent County;" which, being read the third time, by paragraphs, and amended, passed the House.

Ordered, That the said amendments be transcribed and sent, with the bill, to the House of Assembly for their consideration and concurrence.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met.

Mr. Speaker laid upon the table a petition of John Darby, of Sussex County, read in the House of Assembly the 19th of January, 1785, setting forth the loss of a certificate, No. 18, for the sum of sixteen pounds nineteen shillings and six pence, signed by Peter White, Receiver General of Supplies for Sussex County, and a report of the Auditor thereupon; which said certificate is since found and now produced before Council; therefore

Resolved, That the said petition and report be dismissed.

By special order,

The bill entitled "An act for limiting the time for keeping open the Courts of General Quarter Sessions of the Peace and

Goal Delivery of the respective Counties of this State," was read the third time by paragraphs and passed the House.

Mr. Shankland, a member of the House of Assembly, was admitted and presented to the Chair the following papers, which were read: A petition of Frederick Craig and Co., and a resolution of that House upon the same, for the payment of twenty pounds to the said Craig and Co., to assist in the establishment of a post to ride from Wilmington to Lewestown, and for sundry services.

Ordered to lie on the table.

By special order, the bill entitled "An act to continue in force an act entitled 'An act to increase the daily allowance to Grand and Petit Jurors and Witnesses,' " was read a second time.

The said bill was read a third time, by paragraphs, and passed the House.

By special order,

The bill entitled "An act to appropriate marriage and tavern licenses," was read the third time, by paragraphs, and passed the House.

Ordered, That Mr. Polk wait on the House of Assembly and deliver the three last mentioned bills, for the consideration and concurrence of that House.

On motion,

Resolved, That Council concur in the resolution of the House of Assembly upon the petition of Frederick Craig and Co., for the payment of twenty pounds to assist in the establishment of a post, &c.

Adjourned to 10 o'clock to-morrow morning.

SATURDAY, A. M., June 7, 1788.

Council met.

Ordered, That the last mentioned petition and resolution be sent to the House of Assembly by Mr. Horsey.

Mr. Speaker laid before Council a resolution of the House of Assembly, which was read, as follows:

IN THE HOUSE OF ASSEMBLY,
FRIDAY, P. M., June 11, 1788.

On motion,

Resolved, That it is the intention of this House to conclude the present sessions to-morrow evening by adjourning the same to a distant day.

Ordered, That Mr. Latimer wait on the Council with a copy of the above resolution for their information.

JAS. BOOTH, *Cl'k of Assembly.*

On motion made and seconded, for leave to bring in a bill for the purpose of directing the manner and form of securities to be given by Sheriffs for the due execution of their trust, and prescribing a time for their return on writs of *fieri facias*, the same was granted; whereupon Mr. Read laid before Council a bill for that purpose; which was read.

Ordered to lie on the table.

Mr. Polk, a member of the House of Assembly, was admitted and delivered to the Chair a bill entitled "An act for altering the place of holding the general election, for the present year, in the County of Sussex;" which was read.

Ordered to lie on the table.

The bill entitled "An act to empower the executors of the testament and last will of Richard McWilliam, the younger, late of New Castle County, deceased, to convey, in trust for the heirs and representatives of Patrick Lyons, deceased, a certain tract or parcel of land situate in Appoquinimink Hundred, in the County

of New Castle," was read a second time and deferred for further consideration.

Council proceeded to consider the communication of the Auditor, of the 4th of June, 1788.

The bill entitled "An act directing the manner and form of securities to be given by Sheriffs for the due execution of their trust, and prescribing a time for returns on writs of *fieri facias*," was read a second time and deferred until this afternoon for further consideration.

The bill entitled "An act for altering the place of holding the general election for the County of Sussex for the present year," was read a second time and deferred for further consideration.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met.

The Council resumed the consideration of the bill entitled "An act directing the manner and form of securities to be given by Sheriffs for the due execution of their trust, and prescribing a time for returns on writs of *fieri facias*," and the same being read the third time, by paragraphs, and amended, passed the House.

Ordered, That Mr. Cook wait on the House of Assembly with the same for their consideration and concurrence.

Mr. Hazzard, a member of the House of Assembly, was admitted and delivered to the Chair the following verbal message, viz:

The House of Assembly propose to the honorable the Council that both Houses of the General Assembly meet, at four o'clock in the afternoon, in the Council Chamber, to put in nomination persons out of whom shall be elected, by ballot, a Justice of the Court of Common Pleas and Orphans' Court for the County of

Sussex, to supply the place of John Laws, Esquire, deceased, late third Justice of the said courts.

Saturday, A. M., June 7, 1788.

By special order,

The bill entitled "An act for altering the place of holding the general election, for the present year, in the County of Sussex," was read the third time by paragraphs and passed the House..

Ordered, That the same be returned to the House of Assembly by Mr. Laws.

Mr. Massey, a member of the House of Assembly, was admitted and returned the bill entitled "An act for limiting the time for keeping open the Courts of General Quarter Sessions of the Peace and Goal Delivery in the respective Counties of this State," rejected by that House.

Adjourned to Monday morning, 10 o'clock.

MONDAY, A. M., June 9, 1788.

Council met, and proceeded to the consideration of the resolution on the memorial of Thos. Rodney, Esquire, executor of the testament and last will of Cæsar Rodney, Esq., deceased; which was read, and several amendments being proposed and agreed to,

Ordered, That the same be transcribed and sent to the House of Assembly for their consideration and concurrence.

Mr. Speaker laid before Council the following resolution, which was read:

IN THE HOUSE OF ASSEMBLY,
SATURDAY, A. M., June 7, 1788.

On motion,

Resolved, That copies of the acts of Assembly of this State be delivered to George Read, Esquire, to enable him to commence

and complete the revision of the laws of this State, agreeable to his contract with the General Assembly; and that James Booth be appointed to procure such copies, and the expenses that may be necessarily incurred therein shall be defrayed by this State.

That an order be drawn by the Speakers of both Houses upon the Trustee of the Loan Office for New Castle County for the immediate payment of one hundred and forty-five pounds, eleven shillings and six pence to the said George Read out of the interest monies of the said office, being the principal, interest, and costs of the two mortgages, as specified in the proposition made by the said George Read, communicated to the General Assembly on the third of February, 1787, and accepted and agreed to by the House of Assembly and Council on the 31st day of January and the 1st day of February last. And in case of death or any other event that shall prevent the said George Read from executing the said work of revision, that the said sum be accounted for by him, his heirs, executors, or administrators.

Sent for concurrence.

JAS. BOOTH, *Cl'k of Assembly.*

Mr. Shankland, a member of the House of Assembly, was admitted and returned the bill entitled "An act directing the manner and form of securities to be given by Sheriffs for the due execution of their trust, and prescribing a time for returns on writs of *fieri facias*," concurred in by that House.

Ordered that the said bill be engrossed.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Mr. Gordon, a member of the House of Assembly, was admitted and presented to the Chair a bill entitled "An act to incorporate the Members of the Library Company of Wilmington;" which was read.

Ordered to lie on the table.

The Council proceeded to consider the bill entitled "An act to empower the executors of Richard McWilliam, the younger, deceased, to convey, in trust for the heirs and representatives of Patrick Lyons, deceased, a certain tract or parcel of land situate in Appoquinimink Hundred, in the County of New Castle;" which, being read the third time, by paragraphs, and an amendment proposed and agreed to, passed the House.

Ordered, That the said amendment be transcribed and sent, with the bill and the resolution for a draught on the Loan Office of New Castle for the payment of one hundred and forty-five pounds seventeen shillings and six pence to George Read (which said resolution was concurred in by Council), to the House of Assembly.

Mr. Massey, a member of the House of Assembly, was admitted and presented to the Chair the resolution upon the memorial of Thomas Rodney for a reëxamination of the Loan Office Accounts of Kent County, with the amendments acceded to by that House.

Ordered, That Mr. Cook wait on the House of Assembly and return the same.

By special order,

The bill entitled "An act to regulate marriages," was read the third time, by paragraphs, and some amendments being proposed and agreed to, passed the House.

Ordered, That the said amendments be transcribed and sent, with the bill, to the House of Assembly, for their consideration and concurrence.

Adjourned to 10 o'clock to-morrow morning.

TUESDAY, A. M., June 10, 1788.

Council met.

Mr. Vining, a member of the House of Assembly, was admitted and presented to the Chair a bill (which was read) entitled "An act to continue in force an act entitled 'A supplement to an act entitled 'An act for the more easy and speedy recovery of small debts,' passed February 5, 1785, and for other purposes."

Ordered to lie on the table.

The bill entitled "An act to incorporate the Library Company of Wilmington," was read a second time and deferred for further consideration.

Mr. Polk, a member of the House of Assembly, was admitted and presented to the Chair a report of a committee upon the petition of Maurmas Haughey, and an order of that House upon the same, sent for concurrence.

Ordered to lie on the table.

Mr. Hayes, a member of the House of Assembly, was admitted and delivered to the Chair two reports of the Auditor of Accounts, dated June the 5th and 6th, 1788, concurred in by that House, and sent for the concurrence of Council; which were read.

Ordered to lie on the table.

Ordered, That Mr. Cook wait on the House of Assembly and deliver the following verbal message, to wit:

The Council, in answer to the proposal made by your honorable House on Saturday last, respecting the putting in nomination persons to be balloted for as a Justice of the Court of Common Pleas and Orphans' Court for the County of Sussex, to supply the place of John Laws, Esquire, accede to the same, and propose three o'clock this afternoon as the time for the meeting of both Houses in the Council Chamber.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met.

Mr. McCall, a member of the House of Assembly, was admitted and delivered the following verbal message:

The House of Assembly will meet the honorable the Council half an hour hence, in the Council Chamber, for the purpose expressed in their verbal message of this day.

The bill entitled "An act to continue in force an act entitled 'A supplement to an act for the more easy and speedy recovery of small debts, &c.,'" was read a second time and deferred for further consideration.

The Council and the House of Assembly met, in the Council Chamber, and proceeded to the nomination of persons to be balloted for as Justices of the Court of Common Pleas and Orphans' Court for the County of Sussex, as follows: John Clowes, Esquire, was proposed for third Justice, and Alexander Laws, Esquire, for fourth Justice.

Resolved, That both Houses separate for the space of ten minutes, and that they then meet and proceed to the election aforesaid.

Agreeable to order, the Council and the House of Assembly met in the Council Chamber.

Ordered, That Mr. Vining, Mr. Grantham, and Mr. D. Polk be a committee to wait on his Excellency, the President, and inform him that the General Assembly are now convened to elect Justices to fill the vacancies in the Courts aforesaid, and request his attendance.

Whereupon his Excellency, the President, being conducted in by the committee, the President and General Assembly proceeded, by joint ballot, to the election of Justices, separately, to supply the vacancy in the Court of Common Pleas and Orphans' Court for the County of Sussex, and the ballots being taken and examined, John Clowes, Esquire, fourth Justice, was declared to be duly elected third Justice of the said Courts; and Alexander

Laws, Esquire, was declared to be duly elected fourth Justice of the said Courts.

The President withdrew, both Houses separated, and the Council met in the Council Chamber.

The bill entitled "An act to continue in force an act entitled 'A supplement to an act entitled 'An act for the more easy and speedy recovery of small debts,' passed February 3d, 1785,' and for other purposes," was read the third time, by paragraphs, and several amendments being proposed and agreed to, passed the House.

Ordered, That the said amendments be transcribed and sent, with the said bill, to the House of Assembly, for their consideration and concurrence.

Mr. Evans, a member of the House of Assembly, was admitted and delivered to the Chair a bill entitled "An act for continuing the powers of the Collectors of the State Taxes;" which was read.

Ordered to lie on the table.

The bill entitled "An act to incorporate the Members of the Library Company of Wilmington," was read the third time, by paragraphs, and, being amended, passed the House.

Ordered, That the said amendments be transcribed and sent, with the bill, to the House of Assembly, by Mr. Polk, for their consideration and concurrence.

By special order,

The bill entitled "An act for continuing the powers of the Collectors of the State Taxes," was read a second time and deferred for further consideration.

On motion, the order of the House of Assembly upon the petition of Maurinas Haughey, respecting a lost certificate, was read, considered, and concurred in by Council.

The last mentioned bill was read the third time by paragraphs and passed the House.

Ordered, That the same, together with the papers upon the

petitioner Maurinas Haughey be returned to the House of Assembly by Mr. Laws.

Adjourned to 8 o'clock to-morrow morning.

WEDNESDAY, A. M., June 11, 1788.

Council met.

On motion for leave to bring in a bill for directing elections of members of the Council in certain cases of vacancies, the same was granted; whereupon Mr. Read laid before Council a bill for that purpose, which was read.

By special order, the same was read a second time, and the third time, by paragraphs, and passed the House.

Ordered, That the same be transcribed; which was done accordingly.

The Auditor's Report of the 5th June, 1788, was read, and an amendment being proposed and agreed to, ordered that the same be transcribed.

The Auditor's Report of the 6th of June was read, considered, and agreed to.

A member of the House of Assembly was admitted and presented to the Chair an order of that House, which was read as follows:

IN THE HOUSE OF ASSEMBLY,
WEDNESDAY, A. M., June 11th, 1788.

On motion,

Ordered, That the following part of the report agreed to by this House on the 30th day of January last be sent to the Council for their consideration and concurrence, to wit:

In the communication from the Auditor, dated October 29th, 1787, is inserted an extra charge of the Auditor in his own favor

for services done in Wilmington, stated to be full three months attendance, for which he hopes a reasonable allowance. Your committee therefore report that for such services and attendance the Auditor be allowed the sum of sixty pounds.

Ordered, That Mr. Hazzard wait on the Council and deliver the same..

Extract from the minutes.

JAS. BOOTH, *Cl'k of Assembly.*

The foregoing order of the House of Assembly, with their agreement to the report of their committee on the communication of the Auditor made as above stated, being taken into consideration; thereupon

Resolved, That an order be drawn upon the State Treasurer, by the Speakers of the two Houses of the General Assembly of this State, for the sum of sixty pounds, to be paid to Eleazar McComb, Esq., as Commissioner of this State, for attaining a settlement of the accounts thereof against the United States, in part of his services in that business during the time of such his appointment.

Mr. Polk, a member of the House of Assembly, was admitted and delivered to the Chair a resolution of the House of Assembly, that the Speakers of both Houses draw an order on the State Treasurer for the payment of fifty pounds to his Excellency, the President, in order to defray his expenses during his attendance on the present and preceding sessions of the General Assembly.

In Council, read, considered, and concurred in.

Ordered, That the two following engrossed bills be sent to the House of Assembly, by Mr. Horsey, to be signed by the Speaker, viz: The bill entitled "An act directing the manner and form of securities to be given by Sheriffs for the due execution of their trust, and prescribing a time for their returns on writs of *fieri facias*;" and the bill entitled "A supplementary act to the act entitled 'An act for naturalization;'" also that the bill entitled "An act directing elections of members of the Council in certain cases of vacancies," be sent for the consideration and concurrence of that House.

Ordered, That the same member also return the report of the

Auditor of the 5th June, 1788, with its amendments, for the consideration and concurrence of the House of Assembly; also the report of the 6th June, 1788, thus acted upon in Council: read, considered, and agreed to; and the resolution for the payment of fifty pounds to his Excellency, the President, thus acted upon: read, considered, and concurred in.

Mr. Vining, a member of the House of Assembly, was admitted and delivered to the Chair the following engrossed bills, to be signed by the Speaker of the Council, to wit:

The bill entitled "An act to continue in force an act entitled 'A supplement to an act entitled 'An act for the more easy and speedy recovery of small debts,' passed February 3d, 1785,' and for other purposes;"

The bill entitled "An act to regulate marriages;"

The bill entitled "An act to incorporate the Members of the Library Company of Wilmington;"

The bill entitled "An act to continue in force an act entitled 'An act to increase the daily allowance to Grand and Petit Jurors and Witnesses;' "

The bill entitled "An act to repeal an act entitled 'An act for the further security of the Government;' "

The bill entitled "An act to appropriate the perquisites arising from marriage and tavern licenses;"

The bill entitled "An act for continuing the powers of the collectors of the State taxes;"

The bill entitled "An act for altering the place of holding the general election for the present year in the County of Sussex;"

The bill entitled " An act to enable John Warren, administrator *de bonis non* of Henry Killen, deceased, to convey to Raynear Williams, administrator of Elijah Sipple, deceased, certain tracts of land situate in Mispillion Hundred, Kent County;"

The bill entitled "An act to supply the loss of a deed made to Benjamin Chandler by the heirs of Goldsmith E. Folwell, deceased;" and

The bill entitled "An act to empower the executors of the

testament and last will of Richard McWilliam, the younger, late of New Castle County, deceased, to convey in trust for the heirs and representatives of Patrick Lyons, deceased, a certain tract or parcel of land situate in Appoquinimink Hundred, in the County of New Castle;"

And the said bills, being severally compared, were signed accordingly.

Mr. Gordon, a member of the House of Assembly, was admitted and returned the two engrossed bills sent by Mr. Horsey to be signed by the Speaker of that House; together with the bill entitled "An act directing the election of members of the Council in certain cases of vacancy," which were severally compared and signed by the Speaker of the Council.

The same member also delivered to the Chair the following resolution, viz:

IN THE HOUSE OF ASSEMBLY,
WEDNESDAY, June 11, 1788, A. M.

On motion,

Resolved, That the President or Commander-in-Chief affix the Great Seal to the following laws:*

* So ends the record of the proceedings at this session.

O K

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

DOVER, October 20, 1788.

Divers of the members met, but the number not being a quorum, adjourned from day to day until Thursday, the 23d.

THURSDAY, A. M., October 23, 1788.

It appears by the returns of the officers of the several Counties in this State, appointed by law to be Judges of Elections, that on the first day of October instant, at the usual places of election for the said Counties, the following gentlemen were chosen to represent the said Counties in the Council of the Delaware State, viz:

For New Castle County—Gunning Bedford, Thomas Kean.*

For Kent County—Nicholas Ridgely.

For Sussex County—George Mitchell, Daniel Polk.†

All the members now appeared except Mr. Kean and Mr. Horsey.

The Council proceeded to the choice of a Speaker, and George Mitchell, Esquire, was unanimously elected.

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* In the place of Mr. McDonough. † In the place of Alexander Laws.

The Speaker, in the Chair, and afterwards Mr. Bedford, Mr. Ridgely, and Mr. Polk, took the oath of allegiance and made and subscribed the declaration of faith prescribed by the Constitution. [*See note on page 10.*]

Adjourned to 3 o'clock.

EODEM DIE, P. M.

The Council met according to adjournment.

Adjourned to ten o'clock to-morrow morning.

FRIDAY, A. M., October 24, 1788.

Council met. Present the same members as on yesterday.

On motion, by order,

The rules to be observed by the members of Council, made and agreed to in October, 1776, together with the addition made thereto by Council in October, 1786, were read and adopted as the rules to be observed by Council.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Mr. Kean appeared in the House and took the oath of allegiance and made and subscribed the declaration of faith prescribed by the Constitution. [*See note on page 10.*]

On motion, by order,

The bill, read in Council the 29th of January last, entitled "An act for appointing John Baning, Eleazer McComb, and Nicholas Ridgely, Esquires, Commissioners for the Town of Dover, was now read the second time and referred to Mr. Ridgely, Mr. Cook, and Mr. Baning, to report thereon.

On motion,

Resolved, That Mr. Ridgely be appointed to supply the place of George Read in the Committee on Finance, who was appointed on the part of Council on the 4th of June, 1788.

Adjourned to 10 o'clock to-morrow morning.

SATURDAY, A. M., October 25, 1788.

Council met.

Mr. Speaker laid before Council the following papers delivered him by a member of the House of Assembly, which were read, viz: a message from the President of the 23d of October instant; a circular letter from the Secretary of Congress of the 13th September, 1788; and an act of Congress of the 13th of the same month, for giving operation to the new Constitution.

The Speaker also laid before the Council the following verbal message from the House of Assembly, viz:

The House of Assembly propose to the honorable the Council that both Houses of the Legislature meet, in the Council Chamber, to-morrow at twelve o'clock at noon, to put in nomination persons out of whom shall be elected by ballot two Senators to represent this State in the Congress of the United States, agreeable to the third section of the first article of the Constitution of the United States; it appearing, from the communication to this General Assembly of the act of Congress of the 13th of September last, for putting into operation the said Constitution, that the

same hath been ratified in the manner therein declared to be sufficient for the establishment thereof.

JAS. BOOTH, *Cl'k of Assembly.*

Friday, P. M. Oct. 24th, 1788.

On motion,

Ordered, That Mr. Ridgely wait on the House of Assembly with the following verbal message:

The Council agree to the proposal made by your honorable House, of yesterday, for the meeting of both Houses of the Legislature in the Council Chamber to-day, at twelve o'clock, at noon, to put in nomination persons out of whom shall be elected two Senators to represent this State in the Senate of the United States, agreeable to the message of your honorable House; and the Council inform your honorable House that they will be ready to receive you in fifteen minutes.

Mr. Speaker laid upon the table a letter from George Read, Esq., of the 20th of October, instant; which was read.

Ordered to lie on the table.

Mr. Holland, a member of the House of Assembly, was admitted and delivered the following verbal message:

The House of Assembly propose to the honorable the Council that the two Houses of the General Assembly proceed to the nomination of persons out of whom shall be elected, by ballot, a Justice of the Court of Common Pleas and Orphans' Court for the County of Sussex, to supply the vacancy occasioned by the death of William Polk, Esq., at the time both Houses are convened to nominate persons for Senators.

On motion,

Ordered, That Mr. Vandyke wait on the House of Assembly with the following verbal message:

The Council agree to the proposal of your honorable House for putting in nomination persons out of whom to be chosen a Judge to supply the vacancy in the Court of Common Pleas and Orphans' Court of Sussex County, occasioned by the death of William Polk, Esq.

The General Assembly met, in the Council Chamber, and proceeded to the nomination of persons out of whom shall be elected Senators to represent this State in the Senate of the United States; and also Justices of the Court of Common Pleas and Orphans' Court for the County of Sussex, to fill the vacancy occasioned by the death of William Polk, Esq., when the following gentlemen were nominated for Senators, viz: George Read, Esq., Gunning Bedford, Junior, Esq., and Richard Bassett, Esq.; and the following nominations were made for Justices of the said Courts, viz: John Clowes, Esq., was nominated for second Justice; Alexander Laws for third Justice; Peter F. Wright for fourth Justice, and Simon Kollock for fourth Justice.

Resolved, That both Houses meet, in the Council Chamber, at three o'clock this afternoon, to ballot for Senators; and that they proceed, at four o'clock, to the election of Justices to supply the vacancy aforesaid.

Ordered, That Mr. Vining, Mr. Truitt, and Mr. Vandyke be a committee to wait on his Excellency, the President, and inform him that both Houses of the General Assembly will be convened in the Council Chamber, at four o'clock in the afternoon, to ballot for Justices to supply the vacancy aforesaid, and request the attendance of his Excellency.

Then both Houses separated, and Council adjourned to three o'clock.

EODEM DIE, P. M.

Council met according to adjournment.

The General Assembly met, in the Council Chamber, and proceeded, by joint ballot, to the election of Senators to represent this State in the Senate of the United States, and the ballots being taken and examined, George Read and Richard Bassett, Esquires, were declared to be duly elected.

His Excellency, the President, being conducted in by the com-

mittee, the President and General Assembly proceeded, by joint ballot, to the election of Justices, separately, to supply the vacancy in the Court of Common Pleas and Orphans' Court in the County of Sussex, and the ballots being taken and examined, John Clowes, Esq., third Justice, was declared to be duly elected second Justice; Alexander Laws, Esq., fourth Justice, was declared to be duly elected third Justice; and Peter F. Wright, Esq., was declared to be duly elected fourth Justice of the said Courts.

The President withdrew, both Houses separated, and Council adjourned to Monday morning, 10 o'clock.

MONDAY, A. M., October 27, 1788.

Council met. Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met.

On motion of Mr. Ridgely, for leave to bring in a bill, by way of supplement to an act entitled "An act directing the manner and form of securities to be given by Sheriffs, and prescribing a time for their returns on writs of *fieri facias*," the same was granted; whereupon he laid upon table a bill for that purpose; which was read.

By order, the said bill was read the second time and deferred for further consideration.

Mr. Bishop, a member of the House of Assembly, was admitted and delivered to the Chair a bill entitled "An act directing the time, places and manner of holding an election for a Representative of this State in the Congress of the United States, and

for appointing Electors, on the part of this State, for choosing a President and Vice-President of the United States, which was read.

Ordered to lie on the table.

Mr. Montgomery, a member of the House of Assembly, was admitted and delivered to the Chair a report of the Auditor, dated the 24th of October instant, which was read.

Ordered to lie on the table.

Adjourned to eight o'clock to-morrow morning.

TUESDAY, A. M., October 28, 1788.

Council met.

The bill entitled "An act directing the time, place and manner of holding an election for a Representative, &c.," was read the second time.

By special order, the said bill was read the third time by paragraphs and amended.

Ordered, That the said amendments be transcribed by the Clerk.

The report of the Auditor, dated the 24th instant, was read and agreed to, as follows:

The Auditor begs leave to report: That John McKinly, Esq., produced to him, in Wilmington, a small quarto paper book, which, he informed him, he had fortunately discovered among some old papers; that upon examining the same he found it contained accounts of the receipts and expenditures of public monies by the said John McKinly, Esq., as Treasurer of the Committee of New Castle County, as Military Treasurer of the said County, and as Speaker of the House of Assembly of this State; and the Auditor particularly noted that the sum of eight hundred and eighty-two pounds, twelve shillings and four pence, received by

the said John McKinly, Esq., from Thomas Collins, Esq. on the 9th day of November, 1776, was therein credited and accounted for in a settlement made with a Joint Committee of the General Assembly, entered in the Journals of the House of Assembly for February, 1777, in page 103.

ELEAZER McCOMB.

Auditor's Office, Oct. 24th, 1788.

In the House of Assembly, Monday, P. M., October 27, 1788, read and concurred in.

JAS. BOOTH, *Cl'k of Assembly.*

In Council, Tuesday, A. M., Oct. 28, 1788, read and agreed to. JOHN E. CLAYTON, *Cl'k of the Council.*

Ordered, That the foregoing report, together with the aforesaid bill and amendments, be sent to the House of Assembly by Mr. Polk.

By special order,

The bill entitled "A supplement to an act entitled 'An act directing the manner and form of securities to be given by Sheriffs for the due execution of their trust, and prescribing a time for their returns on writs of *fieri facias*,'" was read the third time by paragraphs and passed the House.

Ordered, That the same be transcribed and sent to the House of Assembly for their consideration and concurrence.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met.

The Speaker laid on the table the following resolution of the House of Assembly, delivered him by a member of that House, which was read, as follows:

IN THE HOUSE OF ASSEMBLY,
TUESDAY, A. M., Oct. 28, 1788.

On motion,

Resolved, That this House intend to conclude the present session this evening by adjourning the same to a distant day.

JAS. BOOTH, *Cl'k of Assembly.*

Mr. Ridgely laid upon the table a petition of James Rumsey, of the State of Virginia, which was read.

Ordered to lie on the table.

Mr. James, a member of the House of Assembly, was admitted and returned the bill entitled "A supplement to an act entitled 'An act directing the manner and form of securities to be given by Sheriffs for the due execution of their trust, and prescribing a time for their returns on writs of *fieri facias*,'" concurred in by that House.

Ordered that the same be engrossed.

Mr. Raymond, a member of the House of Assembly, was admitted and returned the bill entitled "An act directing the time, places and manner of holding an election for a Representative of this State in the Congress of the United States, and for appointing Electors, on the part of this State, for choosing a President and Vice-President of the United States," with the amendments proposed thereto by Council acceded to by that House, to be signed by the Speaker of the Council; which said bill was compared and signed accordingly.

Ordered, That Mr. Polk wait on the House of Assembly and return the said bill, and also deliver the other engrossed bill, to be signed by the Speaker thereof.

Mr. Truitt, a member of the House of Assembly, was admitted and presented to the Chair the following resolution, viz:

IN THE HOUSE OF ASSEMBLY,
TUESDAY, P. M., Oct. 24, 1788.

On motion,

Resolved, That the President and Commander-in-Chief affix the Great Seal to the following laws:

1. "An act directing the time, places and manner of holding an election for Representative of this State in the Congress of the United States, and for appointing Electors, on the part of this State, for choosing a President and Vice-President of the United States;"

2. "A supplement to an act entitled 'An act directing the manner and form of securities to be given by Sheriffs for the due execution of their trust, and prescribing a time for their returns on writs of *fieri facias*.'"

JAS. BOOTH, *Cl'k of Assembly.*

Sent for concurrence.

In Council, *eodem die*, read and concurred in.

Then the Council allowed the following accounts:

To the Hon. George Mitchell, Esq., Speaker, for 10 days' attendance in Council and mileage, . . .	£	11	12 0
To Gunning Bedford, Jun., Esq., for 7 do. do., . .		6	14 0
To Thomas Kean, Esq., 5 do. do., ...		5	5 0
To Nicholas Vandyke, Esq., 8 do. do., ...		6	10 0
To John Baning, Esq., 7 do., ...		4	4 0
To John Cook, Esq., 7 do. do., ...		4	15 0
To Nicholas Ridgely, Esq., 7 do., ...		4	4 0
To Daniel Polk, Esq., 7 do. do., ...		6	4 0
To John E. Clayton, for 9 days and paper, ...		6	4 2
To Benj. Crooks, Doorkeeper, 6 days' attendance, .		2	5 0
To Mrs. Battell, for the use of a room, ...		2	12 6
	£	60	9 8

Resolved, That orders be drawn on the State Treasurer for the above sums, and that the same be signed by the Speaker.

Whereupon orders were drawn and signed accordingly.

The Doorkeeper delivered to the Speaker a notice of adjournment of the House of Assembly to the 12th of January next, and Council adjourned to the same time.

MINUTES OF COUNCIL.

1789.

MEMBERS' NAMES.

FOR NEW CASTLE COUNTY:

NICHOLAS VANDYKE, GUNNING BEDFORD, THOMAS KEAN.

FOR KENT COUNTY:

JOHN BANING, JOHN COOK, NICHOLAS RIDGELY.

FOR SUSSEX COUNTY:

ISAAC HORSEY, DANIEL POLK, GEORGE MITCHELL.

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

ADJOURNED SESSION, JANUARY, 1789.

DOVER, January 12, 1789.

Divers of the members met, but the number not being a quorum, adjourned from day to day until Saturday, the 17th of January following.

SATURDAY, A. M., January 17, 1789.

Council met. Present, Mr. Vandyke, Mr. Baning, Mr. Cook, Mr. Ridgely, and Mr. Horsey.

On motion,

Resolved, That during the present sessions the door of Council shall be open for the admission of all orderly persons without the bar of Council.

Mr. Ridgely laid before the Council a memorial of Dr. James Sykes, praying leave to bring in a bill to enable him to bring into this State certain negroes, which, by the testament and last will of Robert Goldsborough, Esq., of the State of Maryland, were bequeathed him; which was read and referred to Mr. Ridgely, Mr. Cook, and Mr. Baning, to report thereon.

The petitions from James Rumsey, of Berkley County, attended with sundry other papers relative thereto, were presented and read.

Ordered, That the same be referred to Mr. Ridgely, Mr. Vandyke, and Mr. Horsey, to report thereon.

Mr. Coombs, a member of the House of Assembly, was admitted and delivered to the Chair a bill entitled "An act to prevent the importation of convicts into this State;" a letter from the Secretary of Congress, of the 17th of September, 1788, to the President of this State, and a recommendation from Congress, of the 16th of the same month, upon which the aforesaid bill is founded; which were severally read.

Ordered to lie on the table.

Mr. Latimer, a member of the House of Assembly, was admitted and presented to the Chair a message from the President, of the 6th June, 1788, which was read, and is as follows:

Gentlemen of the General Assembly:

I have directed the Secretary to lay before you, for your information, a circular letter from the Secretary for Foreign Affairs, of the 17th of May last, and a letter from the Secretary of Congress, of the 12th of the same month, with their enclosures. These papers I would wish to have returned after they have been perused by your honors, as I purpose to publish them for the general information of the citizens at large.

As I am persuaded that the justice of the Legislature will extend to compensate for services rendered to the State by the servants of the public, I beg leave to observe to your honors that no provision is made for various public duties enjoined to be performed by the Secretary of this State, and in discharge of which considerable expenses must necessarily be incurred by him.

There are also many contingent expenses incident to the due administration of Government, such as the payment of expresses, postage of public letters, &c., which ought to be provided for to prevent the inconvenience which must otherwise follow.

I am therefore under the necessity of suggesting to your

honors the justice and propriety of making such provision in these respects as you may deem consistent with your wisdom, and most honorable and beneficial to the State.

June 6, 1788. THOS. COLLINS.

The same member also delivered the following message from the President, together with the several letters and their enclosures therein referred to, which were severally read:

Gentlemen of the General Assembly:

During your late recess, the following public letters have been received by me, which I have directed the Secretary to communicate to you, with their inclosures, to wit: from the Convention of the State of New York, of the 26th of July last; from the President of the Convention of Virginia, of the 28th of June, and from the General Assembly of the said State, of the 20th of November; from the President of the Convention of North Carolina, of the 12th and 24th of August; and from the President of the Convention of South Carolina, of the 24th of May last.

The Secretary will also lay before your honors a printed copy of the journals of Congress, from the 20th of August last to the end of the federal year.

As it does not appear from the journals of the General Assembly that any provision has been made for the contingent expenses of government, recommended in my message of the sixth day of June last, I must earnestly entreat the attention of your honors to that business. And upon this subject, I cannot forbear to observe that the multiplicity of post-offices, erected upon the state road to Wilmington, and the extravagant rates demanded for the portage of letters, appear burthensome to the community. Under what authority those offices are instituted, or these rates demanded, I am unable to ascertain, nor will my present indisposition permit me to take steps for that purpose; but I conceive their existence to be an evil that requires legislative inquiry; and upon this business perhaps your honors can obtain information from the Post-Master of this State, who is a member of the General Assembly. THOMAS COLLINS.

Belmont, January 14, 1789.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met.

The committee appointed on the 24th of November last to consider the bill for appointing Commissioners for the Town of Dover, brought in their report, which was read, as follows:

The committee to whom was referred the bill entitled "An act for appointing John Baning, Eleazer McComb, and Nicholas Ridgely, Esquires, Commissioners for the Town of Dover, and for other purposes," beg leave to report: That they think the clause in that bill for selling lots and confirming titles are proper, but all of the other clauses should be entirely rejected. They also think there should be a clause in the bill for regulating and ascertaining the streets that have been already laid out, to be done from the best documents to be found. The want of such a regulation is a growing evil, and the sooner it is prevented the fewer disputes there will be.

Read and agreed to.

On motion of Mr. Ridgely, for leave to bring in a bill for altering the manner of levying executions to be issued by Justices of the Peace in certain cases, and for lessening the number of Constables, the same was granted; whereupon he laid before the Council a bill for that purpose, which was read.

Ordered to lie on the table.

The bill entitled "An act to prevent the importation of convicts into this State," was read the second time. Deferred for further consideration.

Adjourned to Monday morning, 10 o'clock.

MONDAY, A. M., January 19, 1789.

The Council met. Present the same members as on Saturday.

The bill entitled "An act for altering the mode of levying executions to be issued by Justices of the Peace in certain cases, and for lessening the number of Constables," was read the second time and deferred for further consideration.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met. Mr. Polk appeared and took his seat.

The committee appointed to consider the memorial of Doctor James Sykes, of the 17th, now brought in their report, which was read and agreed to, as follows:

That your committee have taken into their consideration the law of this State entitled "An act to prevent the exportation of slaves, and for other purposes," and being satisfied that the facts alleged in the said memorial are true, do now report, that, in their opinion, a supplementary act to the above recited law should be enacted, extending liberty to devisees to bring into this State slaves devised to them, and also to those persons within this State who may become entitled to such property as heirs or representatives to any person or persons dying intestate.

By special order,

The bill entitled "An act for altering the manner of levying executions to be issued by Justices of the Peace in certain cases, and for lessening the number of Constables," was read the third time by paragraphs, and, being amended, passed the House..

Ordered, That the same be transcribed and sent to the House of Assembly for concurrence.

The bill before the Council in the session of June last, entitled "An act to provide for the appropriation of such certificates of depreciation as have not been claimed by the persons justly entitled to receive the same," was read.

Ordered, That Mr. Vandyke, Mr. Ridgely, and Mr. Cook take the said bill into consideration and report thereon.

The committee to whom was referred the petitions of James Rumsey, brought in their report, which was read and agreed to, as follows:

Your committee beg leave to report that they have examined the act of Assembly for granting and securing to John Fitch the sole and exclusive right of making, constructing, and employing the steamboat by him lately invented, for a limited time, and find by that act the said Fitch hath had granted to him the sole and exclusive right of making, constructing, using, employing, and navigating all and every species or kind of boat or water craft which may be impelled, urged or driven through the water by the application, force, or agency of steam or fire, applied *in any manner whatsoever*. That during the operation of that act they do not think it right that Mr. Fitch should be deprived of the benefits of it without a hearing. Your committee propose that a joint committee of the General Assembly should be appointed for the purpose of hearing the parties on this subject on the 27th instant, the said Fitch having four days previous notice. As to the other parts of Mr. Rumsey's petition, to have an exclusive right in the application of steam to other machines than that of boats, as particularly specified, they are of opinion he should have leave to bring in a bill for that purpose.

Mr. Charles Polk, a member of the House of Assembly, was admitted, and presented to the Chair the bill entitled "An act to incorporate the physicians of the Delaware State, and for other purposes therein mentioned," and a paper containing two amendments proposed to the amendments offered by Council the 29th of May last to the said bill, which were read, and a further amendment being proposed to the said two amendments and agreed to,

Ordered, That the same be returned to the House of Assembly for concurrence.

Adjourned to 10 o'clock to-morrow morning.

TUESDAY, A. M., January 20, 1789.

Council met.

On motion,

Resolved, That two members be appointed, on the part of Council, as a joint committee to hear Mr. Rumsey and Mr. Fitch on the subject of the steamboat, on the 27th inst.

The members appointed on the part of Council, are Mr. Vandyke and Mr. Cook.

Ordered, That the same be transcribed and sent, with the report of the committee, by Mr. Ridgely, to the House of Assembly for concurrence.

Agreeable to leave given, a bill was presented and read, entitled "An act for creating original jurisdiction in the Supreme Court of this State in certain cases, to prevent the removal of suits from the County Court of Common Pleas after issue is joined therein, and to prevent the abatement of suits."

Ordered to lie on the table.

Agreeable to leave given upon the memorial of Doctor James Sykes, a bill was laid before Council and read, entitled "A supplement to an act entitled 'An act to prevent the exportation of slaves, and for other purposes."

By special order, the said bill was read the second time, and a third time by paragraphs, and passed the House.

Ordered, That the said bill be transcribed and sent, together with the memorial upon which it is founded, to the House of Assembly for consideration and concurrence.

The communication from the Auditor, of the 4th of June, 1788, was read, and an amendment agreed to.

Ordered, That the said amendment be transcribed and sent to the House of Assembly for concurrence.

Mr. Vining, a member of the House of Assembly, was admitted and returned the resolution of the Council upon the petitions

of James Rumsey, disagreed to, the several papers which accompanied the same, and delivered to the Speaker the following resolution, which was read:

Resolution proposed by the House of Assembly upon the petitions of James Rumsey, instead of the resolution offered by the Council:

Resolved, That Thursday, the 29th day of this month, be assigned for hearing James Rumsey and John Fitch, before the General Assembly, at Dover, on the subject of the steamboat; that both Houses meet for that purpose at the time aforesaid, in the Council Chamber; and that James Rumsey, or his agent, give to the said John Fitch four days previous notice of this resolution.

Whereupon

Resolved, That Council concur in the said resolution.

Ordered, That the same be returned to the House of Assembly.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met.

The bill entitled "An act to prevent the importation of convicts into this State," was read the third time, by paragraphs, and several amendments agreed to.

Ordered, That the same be transcribed and sent to the House of Assembly for consideration.

Mr. James, a member of the House of Assembly, was admitted and returned the communication from the Auditor, as amended by Council, agreed to.

Ordered, That the Clerk deliver to the State Treasurer a copy of the aforesaid communication.

Adjourned to 10 o'clock to-morrow morning.

WEDNESDAY, January 21, 1789.

Council met.

Mr. Bishop, a member of the House of Assembly, was admitted and presented to the Chair the Auditor's Report of this day, which was read, stating that there is due to Capt. Robert Kirkwood the sum of fifty-eight pounds fifteen shillings and two pence, thus acted upon:

In the House of Assembly, A. M., January 21, 1789, read, considered, and agreed to.

JAS. BOOTH, *Cl'k of Assembly.*

Mr. Cooper, a member of the House of Assembly, was admitted and returned the bill entitled "An act to prevent the importation of convicts into this State," together with the amendments proposed thereto by Council, all of which, except the fourth and fifth, were rejected.

The Council then took into consideration the 1st, 2d, 3d and 6th amendments, and upon the question to recede from the first amendment, it was carried in the affirmative.

Council then proceeded to consider the second, third and sixth amendments, and upon the question to adhere to the same, it unanimously passed in the affirmative.

Ordered, That the aforesaid paper of amendments be sent to the House of Assembly for reconsideration.

On motion of Mr. Ridgely for leave to bring in a bill to prevent the payment of money into the Treasury of the United States for a limited time, the same was granted; whereupon he laid before the House a bill for that purpose; which was read.

Ordered to lie on the table.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met.

On motion, ordered, that Mr. Vandyke, Mr. Ridgely, and Mr. Cook be a committee to prepare and bring in a bill for revising the fees of the different officers of this State.

Mr. Truitt, a member of the House of Assembly, was admitted and returned the bill entitled "An act to prevent the importation of convicts into this State," and the amendments of Council, accompanied with the following resolution:

IN THE HOUSE OF ASSEMBLY,

WEDNESDAY, January 21, 1789.

Mr. Ridgely, a member of the Council, was admitted and returned the bill entitled "An act to prevent the importation of convicts into this State," with the paper of amendments, to the 2d, 3d and 6th of which the Council adhere.

Resolved, That a committee be appointed by each House to confer on the subject of the said disputed amendments, and report thereon.

The members appointed on the part of the House are: Mr. Vining, Mr. Porter, and Mr. James.

Sent for concurrence.

JAS. BOOTH, *Cl'k of Assembly.*

Read, considered, and disagreed to.

The Auditor's Report, of this day, upon the accounts of Capt. Robert Kirkwood, was read, and an amendment agreed to.

Ordered, That the same be returned for the consideration of the House of Assembly.

Mr. Wright, a member of the House of Assembly, was admitted and delivered a bill entitled "An act to dissolve the marriage of James Hathaway with Mary, his wife," together with the petition and sundry other papers upon which the said bill is founded; which were read.

The said bill was read the second time, and the third time, by paragraphs, and an amendment proposed and agreed to.

Ordered, That the same, together with the resolution for appointing a committee of conference, be returned to the House of Assembly.

Adjourned to 10 o'clock to-morrow morning.

THURSDAY, A. M., January 22, 1789.

Council met.

The Clerk of the Council laid before the Speaker the Anditor's report upon the accounts of Capt. Robert Kirkwood, and the amendment of Council acceded to.

Mr. Cook laid before the Council a petition from Gersham Johnson, with sundry other papers; which were read.

Ordered to lie on the table.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met. Mr. Bedford and Mr. Kean appeared in Council and took their seats.

Mr. Broom, a member of the House of Assembly, was admitted and delivered a bill, which was read, entitled "An act to grant to Joseph Anderson and Matthias Kerlin, Jr., an exclusive right to keep stage carriages on the public post-road leading through the State of Delaware between the City of Philadelphia and the Town of Baltimore," and the petition upon which the said bill is founded.

Ordered to lie on the table.

The same member also delivered a message from the House of Assembly, which was read, and is as follows:

A MESSAGE TO THE COUNCIL FROM THE HOUSE OF ASSEMBLY.

Gentlemen:

The message received from your honorable house, in answer to a resolution of this house, proposing a committee of conference relative to a depending bill, has highly astonished and alarmed us.

The circumstance of rejecting a proposal from either house, to confer with a committee to be appointed by the other, for the purpose of mutual communication and information, we conceive to be equally unprecedented in form, and dangerous in its political tendency. We do not mean to engage in a mere altercation about form; we are only sorry, in the present instance, that we are obliged to complain of an infringement of a legislative and parliamentary custom.

When two branches of legislature are so constructed as to make a concurrence constitutionally requisite, in order to effect public business, and are so organized as to operate as reciprocal checks upon each other, frequent communications are often essential. Such communications, we apprehend, are regularly to be accomplished by committees of conference, appointed by the respective houses. The reason and expediency of appointments of this nature are too cogent and obvious now to be enlarged upon.

The message received from your honorable house has left us, with respect to the bill at present in controversy, without alternative. We cannot, as we conceive, consistent with the sacred duty which we owe to our constituents and to ourselves, concur in the amendments offered to us, without further information from your honorable house. This information, at least in the usual way, you have denied us.

Admitting that the Council have an absolute and constitutional right of rejecting any proposals which may be made by this house, we cannot help expressing our regret and surprise, that the exercise of the power was not reserved for an occasion more

weighty and important than the one which now engages our attention; and we are equally sorry, that the urgent business of the State should be obstructed by delays, which we conceive might have been avoided, but have now become indispensible.

The preservation of that dignity which each house owes to itself, and relatively to each other, we take to be the surest means of preserving the harmony so necessary in all deliberative assemblies, and so essential to the discharge of our respective duties.

Should your honorable house concur with us in the ideas which we have now addressed to you, and agree to reconsider your message of yesterday, we shall rejoice in the prospect of a system of confidence, and an honorable discharge of the duties intrusted to us; but should you, on the other hand, persevere in a line of conduct so different from the one heretofore pursued, we have only to lament, that one of the most useful purposes for which two branches of the legislature were created, "That of uniting their wisdom and councils for the general benefit of the State," must necessarily be destroyed.

Signed by order of the House of Assembly,

Dover, 22d January, 1789. JEHU DAVIS, *Speaker.*

The memorial of Joseph Anderson and Matthias Kerlin was presented and read.

Ordered to lie on the table.

The bill entitled "An act to grant Joseph Anderson and Matthias Kerlin, Jr., an exclusive right to keep stage carriages on the public post-road, &c.," was read a second time and unanimously rejected.

Ordered, That the said bill, and the several papers which accompanied the same, be returned to the House of Assembly.

The bill entitled "An act to prevent the payment of any money into the Treasury of the United States for a limited time," was read a second time and deferred for further consideration.

The bill entitled "An act for creating original jurisdiction in the Supreme Court, &c.," was read a second time and deferred for further consideration.

On motion,

Ordered, That Mr. Bedford be added to the committee appointed to prepare and bring in a bill for regulating fees.

Ordered, That the following message be transcribed and sent to the House of Assembly:

AN ANSWER FROM THE COUNCIL TO A MESSAGE FROM THE HOUSE OF ASSEMBLY.

Gentlemen:

The Council have taken into consideration the message this afternoon received from your honorable House, and are truly surprised that the exercise of a right so clearly established should become a matter of astonishment and alarm. Where rights are defined and well ascertained, we conceive a precedent unnecessary to justify us in our conduct, should that be wanting; but we are not without even that authority.

Had your honorable House given a single reason for your rejection of the amendments proposed by Council, we should perhaps have thought a conference more eligible than we did. Extraordinary modes of legislation should not be adopted but on extraordinary occasions. The object of the bill, even in the most perfect state it could have been formed, was certainly not worth the time that had fruitlessly been spent on it previous to your proposal for a conference, much less to waste more without a certainty of agreement.

Council are not so very tenacious of former opinions as obstinately to adhere to them could they be satisfied they were wrong; but until this is done they think they should be wanting in duty to their constituents to recede from them and to permit established privileges of Council to be infringed.

We lament exceedingly that your honorable House should suffer the harmony of the Legislature to be interrupted on so trifling an occasion, and we sincerely hope that the most useful purposes for which two branches of the Legislature were created may not be destroyed.

Signed by order of the Council,

GEORGE MITCHELL, *Speaker.*

Dover, January 22d, 1789.

Ordered, That the Auditor's report upon the accounts of Capt. Kirkwood be returned to the House of Assembly by Mr. Kean.

Adjourned to 10 o'clock to-morrow morning.

FRIDAY, A. M., January 23, 1789.

Council met. Present all the members.

The Council took into consideration the act entitled "An act for creating original jurisdiction in the Supreme Court of this State in certain cases, and to prevent the removal of suits from the Court of Common Pleas after issue is joined therein, and to prevent the abatement of suits," and some time being spent therein, the same was deferred for further consideration.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met.

The committee to whom was referred the bill to provide for such certificates as have not been claimed by persons justly entitled to the same, beg leave to report: That they have considered the same and are of opinion it should not be passed, because it will draw into dispute the right of depreciation certificates, which we think hath already been regulated by former laws, except so far as the same relates to cases where this State hath not received credit for the same by the United States.

Read and ordered to lie on the table.

Mr. Vining, a member of the House of Assembly, was admitted and delivered to the Speaker a message, which was read, and is as follows:

A MESSAGE FROM THE HOUSE OF ASSEMBLY IN ANSWER TO A MESSAGE FROM THE COUNCIL.

Gentlemen:

The House of Assembly have received the message from your honorable house, and still adhere to the idea that their rejection of the proposed committee of conference, as made by this house, was of the first impression. We conceive that Council have not taken the proper discrimination between a constitutional right, which we admitted, and the breach of a parliamentary custom of which we complained.

The House of Assembly remain yet to be convinced, that a precedent, similar in its nature, has ever existed, or has ever been exercised by either the House of Assembly or the Council, previous to the present instance. Upon this occasion the House of Assenbly beg leave to recommend to the attention of the honorable Council the several messages which passed between the Houses in the May session of 1786, where they will find the points at present in controversy fully ascertained and explained.

As to the supposed insignificance of the bill now in question, it only furnishes us with an instance, that even on trifling occasions, encroachments may be made by one House on the accustomed privileges of the other; and besides, it is a respect in our judgments due to any bill originating in either House, that it should not, unless rejected in the usual way, be entirely lost; the adoption of the rights now claimed establishes this dangerous precedent.

If your honorable House will only consider the progressive state of this business, they will find that not only custom, but parliamentary propriety, suggests abundant argument why the reasons of adhering to their several amendments should have been communicated to this House, either by way of message or by means of a committee of conference; otherwise any bill, even of the utmost importance, might be eventually lost, without such satisfactory information as might respectively induce the different Houses to recede from error or to have passed a salutary law.

Under the firmest persuasion therefore, that the reasons of rejection should have preceded the disagreement of Council to the conference, we trust that, let the sentiments of Council be ever so well established as to their right, they will be cautious of

drawing into precedent a principal which in its effects may defeat the wisest purposes of legislation.

Signed by order of the House of Assembly,

Dover, January 22d, 1789. JEHU DAVIS, *Speaker.*

Mr. Bedford laid before the Council a petition of John Fitch, of Philadelphia, which was read, praying that the application of James Rumsey may not be permitted to interfere with the exclusive right heretofore granted to him.

Ordered, That the same be sent to the House of Assembly.

The Joint Committee of Finance made their report, which was read and agreed to.

Adjourned to 10 o'clock to-morrow morning.

SATURDAY, P. M., January 24, 1789.

Council met. Adjourned to 10 o'clock on Monday morning.

MONDAY, A. M., Jan. 26th, 1789.

Council met. Absent, Mr. Polk.

By special order, the bill entitled "An act to prevent the payment of any money into the Treasury of the United States," was read the third time by paragraphs and passed the House.

Ordered, That the same be transcribed and sent to the House of Assembly for concurrence.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met.

The Committee appointed to prepare and bring in a bill for the revising the fees of the different offices of this State, laid a bill before Council entitled "An act for regulating and establishing fees," which was read.

Ordered to lie on the table.

Mr. Montgomery, a member of the House of Assembly, was admitted and delivered to the Chair the Auditor's report, dated 20th October, 1788, upon a letter from Nathaniel Mitchell, Esq., to the Speaker of the House of Assembly, and a memorial from the said N. Mitchell, with a report of a committee thereon; which were read.

The same member also delivered the following resolution, which was read:

IN THE HOUSE OF ASSEMBLY, January 26, 1789.

The House of Assembly took into consideration the report of the Auditor, dated the 20th of October last, upon the accounts of Nathaniel Mitchell, Esq.; and also the report of a committee upon the memorial of the said N. Mitchell, and thereupon

Resolved, That there was due to the said N. Mitchell, for his attendance as Delegate from this State to Congress, from the 26th day of December, 1787, to the 12th September, 1788, including his traveling charges, £360, of which he has received £275, and that there is due to him the sum of £85.

Sent for concurrence. JAS. BOOTH, *C. H. A.*

Read and agreed to.

Adjourned to 10 o'clock to-morrow morning.

TUESDAY, A. M., January 27, 1789.

Council met.

Mr. Holland, a member of the House of Assembly, was admitted and delivered the following message, which was read:

IN THE HOUSE OF ASSEMBLY, January 26, 1789.

On motion,

Ordered, That the Joint Committee of Finance make a complete adjustment of the Loan Office accounts of Kent County and report the same.

Sent for concurrence. JAS. BOOTH, *C. H. A.*

Mr. Gordon, a member of the House of Assembly, was admitted and returned the bill entitled "An act to prevent the payment of any money into the Treasury of the United States," rejected.

On motion,

Ordered, That the resolution of the House of Assembly upon the report of their committee on the accounts of N. Mitchell, Esq., and the several papers accompanying the same, be returned.

Ordered, That Council concur in the order of the House of Assembly for the complete adjustment of the Loan Office accounts, and that the same be returned by Mr. Kean.

A remonstrance and petition from several of the clergymen of the Episcopal and Presbyterian churches was presented and read.

Ordered to lie on the table.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met.

A memorial and remonstrance from divers clergymen of this State was read, which, with the remonstrance read this forenoon, was referred to a committee of three to report thereon. The members appointed are Mr. Bedford, Mr. Cook, and Mr. Horsey.

The bill entitled "An act for regulating and establishing fees" was read a second time.

By special order, the said bill was read the third time, by paragraphs, and passed the House.

Ordered, That the same be transcribed and sent to the House of Assembly for concurrence.

Adjourned to 10 o'clock to-morrow morning.

WEDNESDAY, A. M., January 28th, 1789.

Council met. Present all the members.

Mr. Raymond, a member of the House of Assembly, was admitted and delivered to the Chair a bill entitled "A supplement to an act entitled 'An act to prevent the exportation of slaves, and for other purposes,'" concurred in.

Ordered that the same be engrossed.

The same member also delivered, for the concurrence of Council, a bill entitled "An additional supplementary act to an act entitled 'An act to prevent the exportation of slaves, and for other purposes;'" and thirteen amendments proposed to the bill entitled "An act for altering the manner of levying executions to be issued by Justices, &c.;" and the said bill.

The Council proceeded to consider the aforesaid amendments, and, after some time spent therein, postponed the same to this afternoon.

The bill entitled "An additional supplementary act to an act entitled 'An act to prevent the exportation of slaves, and for other purposes,'" was read.

By order, the said bill was read a second time and deferred for further consideration.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met.

Agreeable to the order of this forenoon, the Council resumed the consideration of amendments proposed to the bill entitled "An act for altering the manner of levying executions to be issued by Justices of the Peace in certain cases, and for lessening the number of Constables," and the question being put to agree to the said bill, as amended, and the yeas and nays, required by Mr. Bedford, are as follows:

Yeas—Mr. Baning, Mr. Cook, Mr. Ridgely, Mr. Horsey, Mr. Polk.

Nays—Mr. Vandyke, Mr. Bedford, Mr. Kean.

So it passed in the affirmative.

Ordered that the said bill be engrossed.

The Council proceeded to the consideration of the bill entitled "An additional supplementary act to an act entitled 'An act to prevent the exportation of slaves, and for other purposes,'" and after some time spent therein, the last enacting clause was referred to Mr. Ridgely, Mr. Vandyke, and Mr. Polk, to report thereon.

Adjourned to 10 o'clock to-morrow morning.

THURSDAY, A. M., January 29, 1789.

Council met.

Mr. Bishop, a member of the House of Assembly, was admitted and delivered the following papers, which were read: A letter from Dyre Kearney to the Speaker of the House of Assembly, his accounts, and the report of the Auditor thereupon; also the following resolution, viz:

IN THE HOUSE OF ASSEMBLY,
WEDNESDAY, P. M., January 28, 1789.

The committee to whom was referred the letter from Dyre Kearney, Esq., and the Auditor's report, dated the 27th instant, upon the accounts of the said Dyre Kearney, brought in their report, which was read, and thereupon

Resolved, That there was due to the said Dyre Kearney, Esq., for his attendance as a Delegate from this State to Congress, from the 18th day of January, 1788 to the 14th day of October following, including his traveling charges, £540, of which he has received £300, and that there is due to him the sum of £240.

Sent for concurrence. JAS. BOOTH, *C. H. A.*

The petition of Thomas Shipley, Caleb Seal, and Joseph Stedham, was read, praying relief from an act entitled "An act for the better regulation of the roads in New Castle County."

Ordered to lie on the table.

The committee to whom was referred the bill entitled "An additional supplementary act to an act entitled 'An act to prevent the exportation of slaves, and for other purposes,'" brought in their report, which was read and agreed to.

The Council then proceeded to the consideration of the last mentioned bill, and some amendments being agreed to, ordered that the same be transcribed and sent for concurrence.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met.

The Council and the House of Assembly met in the Council Chamber agreeable to the order of the day, for hearing James Rumsey and John Fitch on the subject of the steamboat.

A petition from James Rumsey, by his agent, Joseph Barnes, was read, praying that he may be heard by counsel on the business aforesaid in case Mr. Fitch should be indulged with that privilege.

Resolved, That the said parties be heard either by counsel or personally, at their election, but that they be restricted so that neither party may be permitted to speak more than twice upon the main subject, and not oftener upon a collateral point.

Whereupon the General Assembly, having heard James Rumsey by Joshua Fisher, his counsel, and Richard Wells, on the behalf of John Fitch, and also the said Joshua Fisher in reply, both Houses separated, and Council adjourned to ten o'clock tomorrow morning.

FRIDAY, A. M., January 30, 1789.

Council met, and having taken into consideration the subject in dispute between Mr. Rumsey and Mr. Fitch proceeded as follows:

WHEREAS, by the Constitution of the United States, a power is reserved to the General Government to promote the progress of science and useful arts, by securing, for limited times, to authors and inventors the exclusive right of their respective writing and discoveries; and as the Government of the United States is in full operation in this State by eleven States having acceded thereto, this State being one; therefore

Resolved, That the application of Mr. Rumsey, for the exclusive privilege of making and using certain machines, said to be invented by him, be referred to the United States in Congress for decision.

Sent for concurrence.

The petition from Thomas Shipley, Caleb Seal, and Joseph Stedham, was referred to a committee to report thereon. The members are Mr. Cook, Mr. Vandyke, and Mr. Kean.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met.

The committee to whom was referred the petition of Thomas Shipley, Caleb Seal, and Joseph Stedham, for vacating the road leading from Christiana Ferry to Brandywine Bridge, was read, and thereupon

Resolved, That the petitioners have leave to bring in a bill for the purpose of vacating the said road agreeable to the prayer of their petition, at the next sessions of the General Assembly; and that the petitioners give public notice of their application in the Wilmington newspapers, at least six weeks preceding the next sessions of the Legislature, by continuing such notice for three weeks, in order that any persons having objections to such bill may then be heard.

Sent for concurrence.

Adjourned to 10 o'clock to-morrow morning.

SATURDAY, A. M., January 31, 1789.

Council met.

Mr. Holland, a member of the House of Assembly, was admitted and presented to the Chair the following resolution, which was read:

IN THE HOUSE OF ASSEMBLY,
FRIDAY, A. M., January 31, 1789.

On motion,

Resolved, That it is the intention of this House to conclude the present sessions on Monday evening, by adjourning the same to a distant day.

Extract from the minutes. JAS. BOOTH, *C. H. A.*

The same member also delivered the bill entitled "An additional supplementary act to an act entitled 'An act to prevent the exportation of slaves, and for other purposes,'" with two amendments, which were read and deferred for further consideration.

Mr. Mitchell, the Speaker of the Council, prayed leave to resign his seat in the Chair, which was granted.

The Council proceeded to the choice of a Speaker, and Mr. Vandyke was unanimously chosen and took his seat.

Council having taken into consideration the amendments proposed to the bill entitled "An additional supplementary act to an act entitled 'An act to prevent the exportation of slaves, &c.,'" proposed divers amendments thereto.

Ordered to be sent to the House of Assembly for consideration.

Ordered, That the petition from Thomas Shipley, Caleb Seal, and Joseph Stedham, and the resolution of the Council thereon, be sent to the House of Assembly for concurrence.

Mr. Bishop, a member of the House of Assembly, was admitted and delivered the bill entitled "An act for regulating and establishing fees," with two amendments proposed, which were taken into consideration, and two further amendments being proposed, ordered that the same be returned for consideration.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met.

Mr. Truitt, a member of the House of Assembly, was admitted and returned the petition of Thomas Shipley, Caleb Seal, and Joseph Stedham, with the resolution of the Council thus acted upon:

"In the House of Assembly, January 30, 1789: Read and concurred in."

Mr. Charles Polk, a member of the House of Assembly, was admitted and returned the bill entitled "An act for regulating and establishing fees," and the paper of amendments acceded to.

Ordered to be engrossed.

The Council having taken into consideration the resolution of the House of Assembly upon the Auditor's report upon the accounts of Dyre Kearney,

Resolved, That the same be concurred in.

Ordered, That the said resolution, and papers accompanying the same, be returned to the House of Assembly.

The committee appointed to complete the adjustment of the Loan Office accounts of Kent County, brought in their report, which was read and agreed to, as follows:

Simon W. Wilson, Loan Officer of Kent County, in account with the Delaware State.

DR.

To monies received on the emission of 1746, . .	£	286 13	8
" " " " 1759, . .		527 10	7¾
" " " " 1776, . .		696 0	3
" " " " 1785, . .		77 13	5
	£	1587 17	11¾

CR.

By monies actually let out, ...	£	393 6	11½
By 3 years and 9 months salary, @ £30 per an.,		112 10	0
By cash paid E. McComb, for the redemption of Bills of Credit, ...		50 6	2
By balance due the Delaware State, ...		1031 14	10¼
	£	1587 17	11¾

The Committee of Finance, to whom was referred the accounts of S. W. Wilson, Trustee of the Loan Office of Kent County, for a final settlement with that officer, beg leave to report: That they have examined the said officer in order to make him a party in the business, and, after allowing him all his charges against the State, find a balance of £1031 : 14 : 10¼ in his hands unaccounted for.

JOHN COOK,
NICHOLAS RIDGELY,
Members of Council.

THOMAS MONTGOMERY,
JACOB BROOM,
JOHN VINING,
JOHN GORDON,
RHOADS SHANKLAND,
Members of Assembly.

Dover, Jan. 28, 1789.

Thus acted upon in the House of Assembly, January 28, 1789: Read, considered, and agreed to.

JAS. BOOTH, *C. H. A.*

Adjourned to 10 o'clock, Monday morning.

MONDAY, A. M., February 2d, 1789

Council met.

Mr. Polk, a member of the House of Assembly, was admitted and delivered to the Chair a bill entitled "An act for the new appointment of a Trustee for the Loan-Office of the County of Kent, within this State, and for other purposes," which was read.

Ordered to lie on the table.

Mr. Holland, a member of the House of Assembly, was admitted and delivered to the Chair a bill entitled "An act for raising £12,600 for the service of the year 1789, in addition to the arrearages due on former taxes," which was read.

Ordered to lie on the table.

The same member returned the report of the Joint Committee of Finance, and a communication from the Auditor praying that the report of the Committee, so far as the same relates to the censure passed upon him, may be amended.

Ordered to lie on the table.

Mr. Truitt, a member of the House of Assembly, was admitted and delivered to the Chair a report of the Auditor, which was read and postponed to this afternoon.

The bill entitled "An act for the new appointment of a Trustee for the Loan-Office of the County of Kent, within this State, and for other purposes," was read a second time and deferred for further consideration.

Adjourned to 3 o'clock.

EODEM DIE, P. M.

Council met.

The Council took into consideration the last mentioned bill, the following amendment being proposed to the last enacting clause, to wit :

"*And be it enacted*, That it shall and may be lawful for the Trustees of the Loan Offices in the respective Counties of this State to permit such persons who have not renewed their mortgages agreeable to the said recited act to which this is a further additional supplementary act, as also the guardian or guardians of such minors who are or hereafter may be lawful to the equity of redemption in any land mortgaged in the respective Loan Offices of this State, who have not received the mortgages by and with the approbation of the Orphans' Court of the County in which such guardian or minor may reside, first had upon a full statement to the said Court on or before the first day of April next, on the payment of costs upon such suits as have been instituted and not brought to light for the recovery of monies due on mortgage deeds, in the same manner and upon the same terms as are expressed and directed in other cases in the said recited act to which this is a supplement, and that any mortgage deed made and executed by such guardian or guardians, as aforesaid, shall be deemed and taken to be a renewal of the former mortgage, and be as binding upon the estate of such minors to all intents and purposes as the former mortgage might or could have been; and that all mortgages so renewed shall be deemed the first lien and have the priority of all judgments, mortgages, and other incumbrances whatsoever obtained or had since the date of such original mortgages so hereafter to be renewed."

The question on the same being moved, the yeas and nays were required by Mr. Mitchell, and are as follows:

Yeas—Mr. Bedford, Mr. Kean, Mr. Baning, Mr. Cook, Mr. Ridgely.

Nays—Mr. Mitchell, Mr. Horsey, Mr. Polk.

So it passed in the affirmative.

Mr. Broom, a member of the House of Assembly, was admitted and delivered to the chair the following resolution, which was read, viz:

IN THE HOUSE OF ASSEMBLY,
MONDAY, P. M., February 2d, 1789.

On motion,

Resolved, That the Auditor of Accounts be and is hereby authorized and empowered to call upon and apply to Donaldson

Yeates, Esq., formerly Deputy Quartermaster-General of this State, for all such vouchers, papers, and documents as will be in the power of the said Donaldson Yeates to furnish, the better to enable this State to obtain a credit for advances made for the United States.

Sent for concurrence. JAMES BOOTH, *C. H. A.*

The same member also delivered the following resolution, which was read.

IN THE HOUSE OF ASSEMBLY, February 2d, 1789.

On motion,

Resolved, That, at the conclusion of the present session, this House adjourn to the Borough of Wilmington, and there hold their next session for transaction of public business.

Sent for concurrence.

JAS. BOOTH, *Cl'k of Assembly.*

The bill entitled "An act for the new appointment of a Trustee for the Loan-Office of the County of Kent, within this State, and for other purposes," was read, and several amendments being proposed and agreed to, ordered that the same be sent to the House of Assembly, for their consideration.

The Council took into consideration the Auditor's report of this day, and the same being read, and also an amendment proposed and agreed to, ordered that the same be sent to the House of Assembly for consideration.

The bill entitled "An act for raising £12,600 for the year 1789," was read the second time and deferred for further consideration.

The resolution of the House of Assembly authorizing and empowering the Auditor to call upon and apply to Donaldson Yeates, Esq., was read and agreed to.

Ordered, That the same be returned to the House of Assembly.

Adjourned to 10 o'clock to-morrow morning.

TUESDAY, A. M., Feb. 3d, 1789.

Council met, and took into consideration the report of the Committee on Finance so far as the same relates to the Auditor, and, on motion to strike out that part which censures his conduct, the same was disagreed to.

The Council took into consideration the bill entitled "An act for raising £12,600 for the service of the year 1789, in addition to arrearages on former taxes," and after progress made therein adjourned to 2 o'clock.

EODEM DIE, P. M.

Council met and resumed the consideration of the last mentioned bill and several amendments proposed thereto.

Ordered, That the same be transcribed and sent to the House of Assembly for their consideration.

Mr. Charles Polk, a member of the House of Assembly, was admitted and delivered to the Chair the following resolution, which was read, viz:

Resolved, That the additional sum of twenty-four pounds be allowed to the sum granted (by the concurrent resolution of the House of Assembly and Council on the 26th of January, 1789) Nathaniel Mitchell, Esq., for his traveling expenses, not included in the allowance made by the said resolution.

Sent for concurrence.

JAS. BOOTH, *Cl'k of Assembly.*

The following engrossed bills were compared, viz: A bill entitled "An act for regulating and establishing fees;" an act entitled "An act altering the manner and form of levying executions to be issued by Justices of the Peace in certain cases, and for lessen-

ing the number of Constables;" and the bill entitled "A supplement to an act entitled 'An act to prevent the exportation of slaves, and for other purposes.' "

Ordered, That the several foregoing bills be sent to the House of Assembly to be signed by the Speaker thereof.

Mr. Cannon, a member of the House of Assembly, was admitted and delivered a report from the Auditor in favor of Mr. Thomas Montgomery for the sum of £6, concurred in by the House.

In Council, read and concurred in.

Council took into consideration the resolution of yesterday, respecting an adjournment to Wilmington, and the question being put, "Do the Council agree to the same?" it was passed in the negative.

Ordered, That Mr. Cook wait on the House of Assembly and return the last mentioned resolution and Auditor's Report, also the aforesaid several engrossed bills, to be signed by the Speaker.

Resolved, That Mr. Ridgely and Mr. Cook, the two members of Council appointed on the Joint Committee of Finance, be allowed for seven day's attendance on the business, in vacation, the sum of five pounds five shillings each, and that Mr. Ridgely be allowed, for mileage, in going to Lewestown on the said business, the sum of two pounds two shillings, and that Mr. Cook be also allowed, for mileage to Lewestown, on the said business, the sum of two pounds and fourteen shillings.

Mr. Montgomery, a member of Assembly, was admitted and delivered to the Council several engrossed bills, to be signed by the Speaker, which said bills were compared and signed accordingly.

The same member also delivered the following resolution, which was read, viz:

IN THE HOUSE OF ASSEMBLY, February 3, 1789.

On motion,

Resolved, That the President and Commander-in-Chief affix the Great Seal of this State to the following acts:

1. "An act entitled 'A supplement to an act to prevent the exportation of slaves;' "

2. "An additional supplementary act to an act entitled 'An act to prevent the exportation of slaves, and for other purposes;' "

3. "A supplement to an act entitled 'An act for calling in and destroying such of the Bills of Credit emitted by virtue of any law of this State, passed under the present or former Government thereof, as are now outstanding, and for other purposes;' "

4. "An act to dissolve the marriage of James Hathaway with Mary, his wife;"

5. "An act to incorporate the Physicians of the Delaware State, and for other purposes therein mentioned;"

6. "An act for altering the manner of levying executions to be issued by Justices of the Peace in certain cases, and for lessening the number of Constables."

Concurred in.

Mr. Raymond was admitted and delivered the bill entitled "An act for raising £12,600," and the amendments proposed by Council rejected, and a paper of amendments proposed to the paper of amendments from the Council, which was read and deferred till to-morrow morning for further consideration.

Adjourned to 10 o'clock.

WEDNESDAY, Feb. 4, 1789.

The Council met.

On motion of Mr. Mitchell for leave to bring in a bill for altering the place of holding the election in the County of Sussex, the same was granted; whereupon he laid before the Council a bill entitled "An act for altering the place of election * * *

[So ends the record of the proceedings of the Council for the

year 1789. The minutes of the House of Assembly show that an adjournment *sine die* took place early on the 4th of February. The General Assembly convened again on the 26th day of May, pursuant to a summons of Hon. Jehu Davis, Speaker of the House of Assembly, upon whom the government devolved by reason of the decease of the President (Thomas Collins), and of the Vice-President (Nicholas Vandyke); and in a brief message, dated May 27th, Mr. Davis asks to be relieved. On Saturday, May 30th, Joshua Clayton was elected to the Presidency for the term of three years. On the 2d of June, Mr. Clayton formally accepted and entered upon the duties of the office. The Legislature adjourned *sine die* on the 5th of June.

The General Assembly met in Dover, October 20th, and adjourned on the 24th of the same month to the first Monday in January, 1790, after passing two unimportant bills.

The journal of the Council for the year 1790, could not be found among the State papers when the manuscripts of the minutes for other years were collected. From the House journal it is learned that the January session lasted until the 29th of said month, when both houses adjourned *sine die*. At this session the amendments to the Constitution of the United States, proposed by Congress in 1789 (except the first), were duly ratified. "An act to regulate marriages," was the only other measure of general interest that passed. George Mitchell was Speaker of the Council.

The General Assembly met, in Dover, on the 20th of October, 1790, and adjourned on the 20th of that month to the 4th of January, 1791. George Read was reëlected United States Senator. "An act directing the election of a Representative for this State in the Congress of the United States," was passed at this session.

The journal of the January session of the Council, 1791, to the 28th day, is missing, except a leaf containing part of the proceedings of a joint meeting of the two Houses held on the 22d.]

MINUTES OF COUNCIL.

1791.

MINUTES OF COUNCIL

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1791

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

ADJOURNED SESSION, JANUARY, 1791.*

SATURDAY, 22d January, 1791.

The Council and the House of Assembly met, in the Council Chamber, for the nomination of persons out of whom shall be chosen, by ballot, Justices of the Court of Common Pleas and Orphans' Court for the County of New Castle.

Mr. Johnson proposed Alexander Porter, Esquire, as fourth Justice.

Mr. Ridgely proposed Thomas McDonough, Esq., as second Justice.

Mr. James proposed Thomas Robinson as third Justice.

Resolved, That a committee of three be appointed to wait on and inform the President of the convention of the two Houses.

The committee are Mr. Duff, Mr. Grantham, Mr. Bedford.

Resolved, That the two Houses separate for fifteen minutes.

[A tally kept on the sheet containing the above minutes indicates that when the two houses reassembled a ballot was taken and Thomas McDonough received 25 votes as second Justice, Thomas Robinson 25 votes as third Justice, and Alexander Porter 24 votes as fourth Justice, and that each was duly elected.]

* See note on page 1188.

FRIDAY, January 28th, 1791.

Council assembled. Present as yesterday.

The Committee of the General Assembly appointed on the — instant, presented the following report, viz:

We, a committee of the General Assembly, do report: That we have examined and counted the Treasury notes issued by the Treasurer of the State and paid in to him again, and find they amount to 12,664$\frac{4}{90}$ dollars, equal to £4749 : 3 : 4, as, by a schedule, specifying their number and amounts, returned to the Auditor, may be particularly seen; and further, that the same were burned in our presence.

NICH'S RIDGELY,
Member of Council.

THOMAS MONTGOMERY,
Member of the House of Assembly.

28th January, 1791.

On motion, the bill entitled "An act to amend the act entitled 'An act to prevent the exportation of slaves, &c.,'" was read a second time and rejected.

On motion, the bill entitled "An act to vacate and make void a part of the public road or highway leading from Brandywine Creek to Christiana Ferry," was read, and the amendment proposed thereto was agreed to, with an additional amendment proposed by Council.

Ordered, That the said bill be returned to the House of Assembly by the Secretary; which was done accordingly.

Resolved, That no more accounts shall be allowed by this State on account of services rendered, money advanced, articles furnished, or any other matter or thing properly chargeable by individuals against this State, and by the State against the United States.

Resolved, That the Auditor be furnished, by the Secretary of Council, with the above resolution.

Sent for concurrence.

On motion, the resolution of the House of Assembly of the 25th instant, respecting the claim of William Killen, Esquire, executor of Col. John Haslet, deceased, was read and concurred in.

Resolved, That if upon the final settlement of the accounts of this State with the United States, Col. Haslet's estate shall not be charged with any interest on $1,374\frac{11}{90}$ dollars, the balance due on his account to the United States, this State will cause such interest as hath already been paid on that sum to be returned in final settlement certificates to the executor of Colonel Haslet.

Mr. Batson, a member of Assembly, was admitted and presented a bill entitled "An act for extending the time for the first payment of the tax for the service of the year 1790," passed by the House of Assembly, sent for concurrence. Which was, by order, read.

On motion, the bill entitled "An act for the supporting, maintaining, and keeping in good order the bridge over Mispillion Creek, and for other purposes therein mentioned," was read, and two amendments being proposed and agreed to, passed Council.

Ordered, That the Secretary return the said bill, with the amendments, to the House of Assembly, for their concurrence; which he accordingly did.

Resolved, That the State Treasurer be authorized to call upon the several officers within this State in whose hands Continental Bills of credit and final settlement certificates belonging to this State may have been lodged, and receive the same from them, and cause the same, together with those already in the Treasury, to be placed in the funds of the United States in the name of the Delaware State, and the said State Treasurer shall report his proceedings thereon to the General Assembly at their next sessions.

Sent for concurrence.

Mr. Cannon, a member of Assembly, was admitted and return-

ed the bill entitled "A supplement to the act for embanking the Ferry Marsh," unanimously rejected.

On motion, the resolution of the House of Assembly of the 10th instant, for appointing commissioners to receive the revised acts of Assembly, was read and concurred in. The commissioner appointed on the part of Council is Nicholas Ridgely, Esq.

Mr. Batson, a member of Assembly, was admitted and presented the following papers: An act to enable the heirs of Jacob Cannon, late of Sussex County, deceased, to keep a Ferry over the River Nanticoke, at a place known by the name of Cannon's Ferry; which was, by order, read.

The same member also returned a report from the Auditor, dated the 20th January, 1791, with an amendment proposed thereto by the House of Assembly; and he returned the report of the Auditor, dated 18th January, 1791, with one amendment which was proposed thereto by Council acceded to, and one disagreed to unanimously; which report was, by order, read, and, on motion, Council unanimously adhered to their proposed amendments.

Ordered, That the same, with the foregoing resolution, be delivered by the Secretary to the House of Assembly for their concurrence; which was done accordingly.

Adjourned to 3 o'clock, P. M.

EODEM DIE, P. M.

Council assembled.

On motion, *Ordered*, That Nicholas Ridgely and Charles Nixon be and they are hereby appointed to take effectual measures to have fifty copies of the Votes and Proceedings of this house printed, from October, 1788, to the present session, inclusive.

Mr. Grantham, a member of Assembly, was admitted and re-

turned the bill entitled "An act to vacate and make void a part of the public road or highway leading from Brandywine Creek to Christiana Ferry," with an additional amendment proposed thereto, which was agreed to.

Council ordered said bill to be engrossed.

On motion, the report of the Auditor, dated 20th instant, was read, and an amendment being proposed to the amendment proposed by the House of Assembly, ordered that the same be returned to the House of Assembly by the Secretary; which was done accordingly.

On motion, the bill entitled, "An act for extending the time for the first payment of the tax for the service of the year 1790," was read a second time, by special order, by paragraphs, and passed.

Ordered, That the said bill be returned to the House of Assembly by the Secretary; which was done accordingly.

Mr. Snow, a member of Assembly, was admitted and returned the resolution authorizing the State Treasurer to fund the bills of credit and certificates, with an amendment proposed thereto, and also the resolution respecting accounts against this State, with an amendment proposed thereto; which amendments were, on motion, acceded to.

Adjourned till to-morrow morning, 8 o'clock.

SATURDAY, January 29th, 1791.

Council assembled. Present as yesterday.

Mr. Raymond, member of the House of Assembly, was admitted and returned the resolution of Council respecting the executor of Col. John Haslet, concurred in by the House of Assembly, and the bill entitled "An act to authorize Ann Ridgely and Nicholas Ridgely, executors of Chas Ridgely, Esq., deceased, to convey unto Daniel Mifflin a certain parcel of land situate in

Murderkill Hundred, Kent County," with sundry amendments proposed thereto, which was, on motion, read and rejected.

Mr. Truitt, a member of the House of Assembly, was admitted and presented for concurrence a bill entitled "A supplement to an act entitled "An act for erecting a bridge and causeway over Lewes Creek, from the Town of Lewes to the Cape side of said Creek, in the County of Sussex," which, on motion, was read.

The same member also presented the report of the Auditor, dated January 20th, 1791, with the amendment proposed thereto by the House of Assembly, adhered to by that House, and the following resolution, viz:

IN THE HOUSE OF ASSEMBLY,
FRIDAY, P. M., January 28th, 1791.

Resolved, That it is the opinion of this General Assembly that the Constitution of the Delaware State should be revised, amended, and altered, according to the mode prescribed by the Constitution; that such revision shall be the duty of the next General Assembly; and that this resolution be published for the consideration of the good people of this State.

Ordered, That a copy of the above resolution be sent to the Council for consideration and concurrence.

JAS. BOOTH, *Cl'k of Assembly*.

In Council, read and disagreed to.

Mr. Hayes was admitted and delivered several engrossed bills, signed by the Speaker of the House of Assembly.

On motion,

Ordered, That the Speaker proceed to sign the engrossed bills passed this session.

On motion, The bill entitled "A supplement to an act entitled 'An act for erecting a bridge and causeway over Lewes Creek from the Town of Lewes to the Cape side of said Creek, in the County of Sussex,'" was read a second time.

By special order, the same was read a third time by paragraphs, and passed.

Ordered, That the said bill be returned to the House of Assembly, which was done accordingly.

The Hon. Alexander Porter, Esq., delivered to Council his resignation of the office of Judge of the Court of Appeals for the Delaware State, which was, by order, read and accepted.

Resolved, That the State Treasurer be directed to purchase one hundred tickets in the lottery for finishing the Court House in the town of Dover, for the use of the State, which tickets shall be delivered to the Auditor before the drawing of said lottery, he giving a receipt for the same to the State Treasurer, specifying the number of each ticket, and the Auditor shall enter the same, with their several numbers, on the book of his office.

Sent for concurrence.

Council allowed the following accounts:

	£	s	d
To the Honorable Alexander Porter, Esq., for 27 days' attendance and mileage,	26	4	0
To Gunning Bedford, Esq., for 21 days' attendance and mileage,	15	2	0
To Thomas Kean, Esq., for 10 days' attendance and mileage,	8	17	0
To John Baning, Esq., for 25 days' attendance,	15	0	0
To Nicholas Ridgely, Esq., for 25 days' attendance,	15	0	0
To John Gordon, Esq., for 25 days' attendance,	15	0	0
To George Mitchell, Esq., for 6 days' attendance and mileage,	6	6	0
To Isaac Cooper, Esq., for 27 days' attendance and mileage,	18	14	0
To Rhoads Shankland, Esq., for 21 days' attendance and mileage,	14	17	0
To Charles Nixon, for 25 days' attendance as Secretary, and engrossing,	25	12	9
To Thomas Wilds, for 25 days' attendance as Sergeant-at-Arms and Doorkeeper,	6	5	0
To Elizabeth Battell, for the use of the Council Chamber,	15	0	0
	£181	17	9

On motion,

Point-a-Arms and Doorkeeper 6 5 0

Resolved, That orders be drawn on the State Treasurer for the above sums, and that the same be signed by the Speaker.

Whereupon orders were drawn and signed accordingly.

Mr. Cannon, a member of Assembly, was admitted and returned the resolution authorizing the State Treasurer to purchase tickets in the lottery for the use of the State, with the following amendment proposed, viz:

"Provided a sum not exceeding £150 be paid for the same;" to be inserted after the word 'State,' in line third."

Which amendment was read and acceded to.

On motion, Council proceeded to consider the amendment proposed to the Auditor's Report of the 20th January, 1791, and having receded from their proposed amendment, do concur in the following amendment proposed thereto by the House of Assembly, viz:

Dele the last line of the report and instead thereof insert "sixty pounds."

Ordered, That the Secretary return the said report, with the amendment acceded to, to the House of Assembly; which he did accordingly.

Mr. Oliver, a member of Assembly, was admitted and delivered the following resolution:

On motion,

Resolved, That the President or Commander-in-Chief affix the Great Seal of this State to the following act, viz:*

Council adjourned to 20th October next.

*According to the manuscript.

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

SPECIAL SESSION, SEPTEMBER, 1791.

MONDAY, 5th September, 1791.

Council met pursuant to the summons of the President of the State. A quorum not attending, adjourned to Tuesday, 6th, P. M.

TUESDAY, 6th, P. M.

Council assembled. Present, Mr. Mitchell, Speaker, Mr. Kean, Mr. Ridgely, Mr. Gordon, Mr. Shankland, and Mr. Cooper.

The Secretary of State presented the following message from his Excellency, the President, viz:

Gentlemen of the General Assembly:

A majority of the House of Assembly of this State having, by several address, represented to me that a speedy meeting of the Legislature would be productive of beneficial effects to the good people of this State, and requested the Legislature to be convened on the fifth instant, I did, therefore, on the eighteenth day of August last, issue writs of summons for that purpose, and as I have no public business which requires your immediate attention, I have directed the Secretary to lay before you those addresses and such of the writs as have been returned to me.

The Secretary will also deliver your honors a collection of the laws passed at the third session of Congress, and the journals of the Senate during the second session, and of the House of Representatives during the third session. J. CLAYTON.

Dover, Sept, 6, 1791.

On motion, the above message, together with the addresses and writs therein referred to, were read.

Council adjourned to 10 o'clock to-morrow.

WEDNESDAY, 7th, P. M.

Council assembled. Present as yesterday.

A petition, signed by ten persons residing in the County of Sussex, praying that a convention may be chosen, at the next general election, for the purpose of revising and amending the Constitution, or for framing a new one in its stead, was presented to the Chair, and, on motion, read.

Mr. Grantham, a member of Assembly, was admitted and delivered to the Chair the following resolutions, viz:

IN THE HOUSE OF ASSEMBLY OF THE DELAWARE STATE,
WEDNESDAY, A. M., September 7th, 1791.

1. *Resolved* unanimously, That, in the opinion of this House, alterations and amendments of the Constitution of this State are necessary; and that the same should be revised in such manner as may be best adapted to the end proposed.

And whereas governments are instituted for securing the unalienable rights of man, and the protection of individuals in the enjoyment of life, liberty, and property; and all government originates from the people, is founded in compact only, and intended solely for the good of the whole: and whereas it is expressly declared by our own Bill of Rights, "That whenever the ends of government are perverted, and public liberty manifestly

endangered, the people may, and of right ought, to establish a new, or reform the old government," from which, as well as from the nature of society, and the principles of government, it appears that the people have, at all times, an inherent right to alter and amend the form of government, in such manner as may appear to them best adapted to the end proposed; and whereas it has been found from experience, that the great and important ends of government are not effected by our present form of government, and that the general departments thereof are so blended together, and improperly arranged, as to prevent an impartial, beneficial, and energetic operation; and whereas the burdens and expenses of government are with difficulty borne, and in some instances the present form is contradictory to the constitution of the United States, which every member of the Legislature and all Executive and Judicial officers must be bound by oath or affirmation to support; and whereas, by the thirtieth article of the constitution of this State, the power of revising the same, and of altering and amending certain parts thereof, is vested in the General Assembly; and it appears to this House, that the exercise of the power of altering and amending the constitution by the Legislature would not be productive of all the valuable purposes intended by a revision, nor be so satisfactory and agreeable to our constituents; and that it would be more proper and expedient to recommend to the good people of this State to choose deputies for this special purpose, to meet in convention, it is therefore further

2. *Resolved*, That it be recommended to the good people of the several Counties of this State to choose a suitable number of deputies, to meet in convention, for the purpose of revising, altering and amending the Constitution of this State; or, if they see occasion, for forming a new one instead thereof.

3. *Resolved, also*, That it is the opinion of this House, that the said Convention consist of the number of thirty persons; that is to say: ten for the County of New Castle, ten for the County of Kent, and ten for the County of Sussex; and be chosen on the first day of October next, in the same manner, by the same persons, at the same places, and under the same regulations, as are directed and appointed by the Election Laws of this State; save that the names of the persons to be elected deputies shall be written on pieces of paper separate from those containing the legislative represenatives and officers then to be elected, and put

into separate boxes; and that the returns should be made to the convention so choosen; and that the said convention should meet on Tuesday, the twenty-ninth day of November next, at the Town of Dover.

4. *Resolved*, That it be and it is hereby recommended to the succeeding House of Assembly to provide by law for the expenses incurred by the said election and convention.

Extract from the minutes. JAS. BOOTH,

Sent for concurrence. *Cl'k of Assembly.*

On motion, the above and foregoing resolutions were read, and five amendments, being proposed, were agreed to.

Mr. Batson, a member of the House of Assembly, was admitted and presented a petition from Francis McMullan, together with a bill entitled "An act for enabling Francis McMullan and his issue to take and use the surname of Gardner, pursuant to the last will and testament of James Gardner, deceased," passed by the House of Assembly, sent for concurrence; which bill was, on motion, read.

Mr. Cannon, a member of Assembly, was admitted and presented the following resolution, viz:

IN THE HOUSE OF ASSEMBLY, September 7th, 1791.

Resolved, That the President of the State be, and he hereby is required and empowered to demand and receive of any officer or officers of this State any certificates or public securities that have or may come to his or their hands, on or before the last day of this month; and if it shall appear to the President to be proper and expedient that the same, or any part thereof, ought to be subscribed to the loan of the United States, to take such order therein as to him may seem most beneficial to the State.

Extract from the minutes. JAS. BOOTH,

Sent for concurrence. *Cl'k Assembly.*

On motion the above resolution was read, considered, and agreed to.

Council adjourned to 10 o'clock to-morrow.

THURSDAY, 8th September, 1791, A. M.

Council assembled. Present as yesterday.

The Secretary, by order, returned to the House of Assembly the resolution respecting the public securities, concurred in by Council, and also the resolutions for altering the Constitution, with the amendments proposed thereto by the Council.

On motion, by special order,

The bill entitled "An act for enabling Francis McMullan and his issue to take and use the surname of Gardner, pursuant to the last will and testament of James Gardner, deceased," was read a second time, by paragraphs, and passed Council.

Ordered, That the said bill be returned to the House of Assembly.

By order, the Speaker signed a writ directed to the Sheriff of New Castle County, authorizing and requiring him to hold an election for a member of the Legislative Council in the room and stead of Alexander Porter, Esquire, who hath accepted his appointment of fourth Justice in the Court of Common Pleas in said County; and a writ directed to the Sheriff of Kent County, authorizing and requiring him to hold an election for a member of the Legislative Council in the room of John Baning, Esquire, deceased.

Ordered, That the Secretary forward the said writs to the respective Sheriffs forthwith.

Council adjourned to 3 o'clock this afternoon.

EODEM DIE, P. M.

Council assembled.

Mr. Truitt, a member of Assembly, was admitted and returned the resolution for altering the Constitution, with three of the amendments proposed by Council acceded to, a fourth in part

acceded to, and the fifth disagreed to, with two amendments proposed thereto by the House of Assembly; which were, on motion, read.

On motion,

Resolved, That Council do adhere to their amendments proposed to the above resolutions, and disagree to those proposed by the House of Assembly.

Ordered, That the same be returned to the House of Assembly by the Secretary; which was done accordingly.

Mr. Oliver, a member of Assembly, was admitted and returned the resolutions for altering the Constitution, with a further amendment proposed thereto by the House of Assembly. They agree to the 5th amendment, proposed by Council, and adhere to their disagreement in part to the 4th amendment proposed by Council, and recede from one of their first proposed amendments.

The said resolution and amendments were, by order, read, and the amendment proposed by the House of Assembly was disagreed to by Council and their proposed amendments adhered to.

Ordered, That the same be returned to the House of Assembly by the Secretary; which was done accordingly.

Mr. Batson, a member of Assembly, was admitted and returned the bill entitled "An act for enabling Francis McMullan and his issue to take and use the surname of Gardner, pursuant to the last will and testament of James Gardner, deceased," signed by the Speaker of the House of Assembly.

On motion, the said bill was signed by the Speaker of Council, and the resolution of the House of Assembly for affixing the Great Seal thereto agreed to.

Resolved, That Charles Nixon, the present Clerk of Council, procure, at the expense of the public, one and a half dozen of armed chairs, and a writing desk, and two small tables, fitting for the accommodation of Council; and that the Speaker draw an order on the State Treasurer for the amount thereof when purchased.

Council allowed the following accounts:

To the Honorable George Mitchell, Esq., Speaker, for 6 days' attendance and mileage, ...	£	8	2 0
To Thomas Kean, Esq., for 6 days' attendance and mileage, ...		6	7 0
To Nicholas Ridgely, Esq., for 4 days' attendance, .		2	8 0
To John Gordon, Esq., for 4 day's attendance, . . .		2	8 0
To Rhoads Shankland, Esq., for 5 days' attendance and mileage, ...		5	5 0
To Isaac Cooper, Esq., for 5 days' attendance and mileage, ...		5	10 0
To Charles Nixon, for 4 days' attendance as Clerk, .		2	10 0
To Thomas Wilds, for 4 days' attendance as Door-keeper, ...		2	5 0
	£	34	15 0

On motion,

Resolved, That orders be drawn on the State Treasurer for the foregoing sums, and that the same be signed by the Speaker.

Whereupon orders were drawn and signed accordingly.

Mr. Truitt, a member of Assembly, was admitted and presented an account of David Harper, for the sum of three pounds, for summoning the General Assembly, allowed by the House of Assembly; which was, on motion, read and agreed to.

On motion,

Resolved, That the Speakers of both Houses draw their order on the State Treasurer, in favor of David Harper, for the sum of three pounds.

Sent for concurrence.

Mr. Truitt, a member of Assembly, was admitted and returned the resolutions for altering the Constitution, with all the amendments proposed by Council acceded to by the House of Assembly; which resolutions are as follows:

IN THE GENERAL ASSEMBLY OF THE DELAWARE STATE,
THURSDAY, September 8th, 1791.

1. *Resolved unanimously*, That, in the opinion of this General Assembly, alterations and amendments of the Constitution of this

State are necessary, and that the same should be revised in such manner as may be best adapted to the end proposed.

And whereas governments are instituted for securing the unalienable rights of man, and the protection of individuals in the enjoyment of life, liberty, and property, and all government originates from the people, is founded in compact only, and intended solely for the good of the whole; and whereas it is expressly declared by our own Bill of Rights, "That whenever the ends of government are perverted, and public liberty manifestly endangered, the people may, and of right ought, to establish a new, or reform the old government," from which, as well as from the nature of society and the principles of government, it appears that the people have at all times an inherent right to alter and amend the form of government in such manner as may appear to them best adapted to the end proposed; and whereas it has been found, from experience, that the great and important ends of government are not effected by our present form of government, and that the general departments thereof are so blended together and improperly arranged as to prevent an impartial, beneficial and energetic operation; and whereas the burdens and expenses of government are with difficulty borne, and in some instances the present form is contradictory to the Constitution of the United States, which every member of the Legislature and all Executive and Judicial officers must be bound by oath or affirmation to support; and whereas, by the Thirtieth Article of the Constitution of this State the power of revising the same, and of altering and amending certain parts thereof, is vested in the General Assembly; and it appears to this General Assembly that the exercise of the power of altering and amending the Constitution by the Legislature would not be productive of all the valuable purposes intended by a revision, nor be so satisfactory and agreeable to our constituents; and that it would be more proper and expedient to recommend to the good people of this State to choose deputies for this special purpose, to meet in convention, it is therefore further

2. *Resolved*, That it be recommended to the good people of the several Counties in this State to choose a suitable number of deputies, to meet in convention, for the purpose of revising, altering and amending the Constitution of this State; or, if they see occasion, for forming a new one instead thereof.

3. *Resolved, also,* That it is the opinion of this General Assembly that the said Convention consist of the number of thirty persons; that is to say: ten for the County of New Castle, ten for the County of Kent, and ten for the County of Sussex; and be chosen on the first day of October next, in the same manner, by the same persons, at the same places, and under the same regulations, as are directed and appointed by the election laws of this State; save that any free white citizen of this State, of the age of twenty-one years and upwards, shall be eligible to a seat in the said Convention, and that the returns should be made to the Convention so chosen; and that the said Convention should meet on Tuesday, the twenty-ninth day of November next, at the Town of Dover.

4. *Resolved,* That the members and officers of the said Convention shall be entitled to receive the like wages as are now paid to the members and officers of the General Assembly; and that the presiding member of the said Convention draw his order on the Treasurer of the State for such wages in favor of the respective members and officers of said Convention.

5. *Resolved,* That the several Sheriffs of the State be furnished with a copy of these resolutions by the President, certified by the Clerk of each House; and that the said Sheriffs, or other officers who may hold the said elections, do give public notice, as soon as conveniently may be, by twenty advertisements at least, set up in the most public places in each county, of the said election of a Convention, and that the said Clerks furnish the President with said copies.

Council adjourned to the 20th day of October next.

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VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

At a session commenced at Dover, on the twentieth day of October, in the year of our Lord one thousand seven hundred and ninety-one, divers of the members met, but the number not being a quorum, they adjourned to Monday, the twenty-fourth instant.

MONDAY, October 24th, 1791, P. M.

The following members of Council appeared and took their seats, viz: Mr. Alexander, Mr. Tilton, Mr. Gordon, Mr. Raymond, Mr. Mitchell, and Mr. Shankland.

The return of the Sheriff and Inspectors of the County of New Castle of the election of a Councillor to fill the seat of Alexander Porter, Esquire, who hath been appointed fourth Justice of the Court of Common Pleas for said County, and of the election of a Councillor to fill the seat of Gunning Bedford, Esquire, which became vacant by rotation, being laid on the table and read, it appears that Nehemiah Tilton, Esquire, was duly elected in lieu of Alexander Porter, Esquire, and that Archibald Alexander, Esquire, was duly elected in lieu of Gunning Bedford, Esquire, members of the Council for the said County, according to the Constitution and Laws of the Delaware State.

The return of the Sheriff and Inspectors of the County of Kent of the election of a Councillor to fill the vacancy occasioned by the death of John Baning, Esquire, and of the election of a

Councillor to fill the seat of Nicholas Ridgely, Esquire, which became vacant by rotation, being laid on the table and read, it appears that Fenwick Fisher, Esquire, was duly elected in lieu of John Baning, Esquire, deceased, and that James Raymond, Esquire, was duly elected in lieu of Nicholas Ridgely, Esquire, members of the Council for the said County, according to the Constitution and Laws of the Delaware State.

The return of the Sheriff and Inspectors of the County of Sussex of the election of a Councillor to fill the seat of George Mitchell, Esquire, which became vacant by rotation on the 1st October instant, being laid on the table and read, it appears that George Mitchell, Esquire, was reëlected a member of the Council for the said County, according to the Constitution and Laws of the Delaware State.

Council proceeded to the choice of a Speaker, and the Honorable George Mitchell, Esquire, was unanimously elected.

The Speaker, in the Chair, took the oath prescribed by the Constitution, and subscribed the declaration of faith therein required, and Archibald Alexander, Nehemiah Tilton, and James Raymond, Esquires, took the said oath and subscribed the said declaration. [*See note on page 10.*]

The Speaker presented a letter from the Honorable John Dickinson, Esquire, inclosing the following resignation, viz:

"I, John Dickinson, hereby resign my commission of Judge in the Court of Appeals for the Delaware State."

Which resignation was, on motion, accepted.

On motion, by order,

The rules to be observed by the members of Council, made and agreed to in the year 1776, with an additional one, made and agreed to in 1786, were read and adopted as the rules to be observed during the present sitting of Council.

Council adjourned to 10 o'clock to-morrow.

TUESDAY, October 25th, 1791, A. M.

Council assembled. Present as yesterday.

Mr. McKennan, a member of the House of Assembly, was admitted and presented to the Chair the following report, viz:

The Commissioner appointed to state and support the claim of this State against the Union, begs leave to report: That after two preparatory journeys to Philapelphia, he entered on the business of his mission in the month of June last, and on the 24th day of the same month exhibited a claim, amounting to 3,261,044$\frac{19}{90}$ dollars, of old emissions, and 380,228.90$\frac{1}{3}$ dollars, of specie, to the Board of Commissioners appointed by Congress; that the Board estimated the old emission payments to be equal to 100,000 dollars, and supposed that two-thirds of the sum might be allowed for interest, making the whole, on a rough calculation, to amount to 800,000 specie dollars.

The Commissioner made sundry other claims by way of a general saving, and informed the Board that he would hold himself in readiness to support the claims of the State by the best proofs in his power; that in doing this reference would be made, in some cases, to the laws and journals of the Legislature, and to the public books of the State. And he expressed his hopes that great indulgence would be shown the State in consequence of the loss of papers captured by the enemy.

The Commissioner has applied since to the Board, both by writing and in person, to know when he shall attend to finish the business, and was informed that those attending from distant States ought to be dispatched first, and that notice should be given him in case it was necessary for him to attend to substantiate any part of the claim of Delaware.

Dover, October 24th, 1791. ELEAZER McCOMB.

Mr. McKennan also presented the following resolution, viz:

IN THE HOUSE OF ASSEMBLY, Oct. 25th, 1791.

On motion,

Resolved, That it is the intention of this House to conclude the present session this evening by adjourning to a distant day,

and that a copy of this resolution be sent to the Council for their information.

Extract from the minutes.

JAS. BOOTH, *Cl'k of Assembly.*

The foregoing report and resolution were, on motion, read.

Council adjourned to 3 o'clock this afternoon.

EODEM DIE, P. M.

Council assembled.

Mr. Many, a member of Assembly, was admitted and presented to the Chair a bill entitled "A supplement to an act entitled 'An act for raising the sum of one thousand pounds, by a lottery, for the use of the State, and for other purposes,'" passed by the House of Assembly and sent for concurrence.

On motion, the said bill was read.

Mr. Batson, a member of Assembly, was admitted and presented to the Chair a bill entitled "A supplement to an act entitled 'An act for removing the Seat of Justice from Lewes to a more central part of Sussex County, and for other purposes,'" passed by the House of Assembly and sent for concurrence.

On motion, the said bill was read.

Mr. Evans, a member of Assembly, was admitted and presented to the Chair a bill entitled "An act to enable Risdon Bishop, of the County of Kent, to bring certain slaves into this State," passed by the House of Assembly and sent for concurrence.

On motion, the said bill was read.

On motion, the bill entitled "A supplement to an act entitled "An act for raising the sum of one thousand pounds, by lottery, for the use of the State, and for other purposes,'" was read a second time.

On motion, the bill entitled "A supplement to an act entitled 'An act for removing the Seat of Justice from Lewes to a more central part of Sussex County, and for other purposes,'" was read a second time.

On motion, the bill entitled "An act to enable Risdon Bishop, of the County of Kent, to bring certain slaves into this State," was read a second time.

On motion, the said bill was read a third time by paragraphs and passed Council.

Ordered, That said bill be returned to the House of Assembly by the Secretary; which was done accordingly.

Council adjourned to 9 o'clock to-morrow.

WEDNESDAY, October 26th, 1791, A. M.

Council assembled. Present as yesterday.

On motion, the bill entitled "A supplement to an act entitled 'An act for raising the sum of one thousand pounds, by a lottery, for the use of this State, and for other purposes,'" was read a third time, by paragraphs, and an amendment being proposed and agreed to, passed Council.

Ordered, That the said bill, with the amendments proposed, be returned, by the Secretary, to the House of Assembly for their concurrence; which was done accordingly.

On motion, the bill entitled "A supplement to an act entitled 'An act for removing the Seat of Justice from Lewes to a more central part of Sussex County, and for other purposes,'" was read a third time by paragraphs and passed Council.

Ordered, That the said bill be returned to the House of Assembly by the Secretary; which was done accordingly.

Mr. Batson, a member of Assembly, was admitted and returned the bill entitled "A supplement to an act entitled 'An act

for raising the sum of one thousand pounds, by a lottery, for the use of the State, and for other purposes,' " with the amendments proposed by Council disagreed to, and a further amendment proposed by the House of Assembly; which was, on motion, read, and the amendment proposed by Council adhered to, and the amendment proposed by the House of Assembly disagreed to.

Ordered, That the said bill be returned by the Secretary; which was accordingly done.

Council adjourned to 3 o'clock.

EODEM DIE, P. M., 26th October, 1791.

Council assembled.

On motion,

Resolved, That John Gordon, Esq., be requested to furnish the Council Chamber, in the Court House, at Dover, with such things as he may think necessary for the accommodation of Council, and that he exhibit his account to Council, at their next meeting, for his expenditures in the same, which shall be allowed him.

Ordered, That the Clerk of Council furnish the said John Gordon, Esq., with a copy of this resolution.

Council made the following allowances:

To the Honorable George Mitchell, Esq., Speaker, for 5 days' attendance and mileage, ...	£	7	0 0
To Archibald Alexander, Esq., for 5 days' attendance and mileage, ...		5	5 0
To Nehemiah Tilton, Esq., for 5 days' attendance and mileage, ...		5	10 0
To John Gordon, Esq., for 7 days' attendance, . . .		4	4 0
To James Raymond, Esq., for 5 days and mileage, .		4	2 0
Carried forward, ...	£	26	1 0

Brought over, ...	£ 26	1	0
To Rhoads Shankland, Esq., for 5 days' attendance and mileage, ...	5	5	0
To Charles Nixon, for 7 days' attendance as Clerk and for paper, ...	4	10	6
To Thomas Wild, for 7 days' attendance as Door-keeper and bell-ringer, ...	3	19	3
To James Coleman, for making a writing desk for Council Chamber, ...	11	5	0
To Christopher Horton, for 18 armed chairs, ...	10	2	6
	£61	3	3

On motion,

Resolved, That orders be drawn on the State Treasurer for the foregoing sums, and that the same be signed by the Speaker.

Whereupon orders were drawn and signed accordingly.

Mr. Robinson, a member of the House of Assembly, was admitted and presented the following resolution, viz:

IN THE HOUSE OF ASSEMBLY, October 26, 1791.

On motion,

Resolved, That the President or Commander-in-Chief affix the Great Seal of this State to the following acts, viz:

1. "A supplement to an act entitled 'An act for removing the Seat of Justice from Lewes to a more central part of Sussex County, and for other purposes;' "

2. "A supplement to an act entitled 'An act for raising the sum of one thousand pounds, by a lottery, for the use of this State, and for other purposes;' "

3. "An act to enable Risdon Bishop, of the County of Kent, to bring certain slaves into this State."

Sent for concurrence. JAS. BOOTH,

Extract from the minutes. *Cl'k of Assembly.*

On motion, the above resolution was read and concurred in.

Mr. Robinson also delivered the acts above mentioned, signed by the Speaker of the House of Assembly, which, being compared with the originals, on motion, ordered that the same be signed by the Speaker of Council; which was done accordingly.

Council adjourned to the first Tuesday in January next.

MINUTES OF COUNCIL.

1792.

MEMBERS' NAMES.

FOR NEW CASTLE COUNTY:

THOMAS KEAN, NEHEMIAH TILTON,
ARCHIBALD ALEXANDER.

FOR KENT COUNTY:

FENWICK FISHER, JAMES RAYMOND.
(Vacancy, by the death of John Gordon.)

FOR SUSSEX COUNTY:

GEORGE MITCHELL, *Speaker*, RHOADS SHANKLAND,
ISAAC COOPER.

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

ADJOURNED SESSION, JANUARY, 1792.

At a meeting of the Council, at Dover, on the 3d day of January, 1792, the number of members sufficient to constitute a quorum not appearing, they adjourned from day to day until Wednesday, the eleventh day of January, instant.

WEDNESDAY, 11th January, 1792.

Council assembled. Present, the Honorable George Mitchell, Esq., Speaker; Mr. Tilton, Mr. Alexander, Mr. Raymond, Mr. Shankland, and Mr. Cooper.

Adjourned to 10 o'clock to-morrow.

THURSDAY, 12th January, 1792.

Council assembled. Present as yesterday.

On motion of Mr. Tilton, seconded by Mr. Raymond, that the bill entitled "A supplement to the execution law," which had lain on the files of Council since October, 1790, be now taken up

and referred to a committee of three to report thereon, it was determined in the affirmative.

The committee appointed are Mr. Tilton, Mr. Cooper, and Mr. Alexander.

Adjourned to 3 o'clock this afternoon.

THURSDAY, January 12th, 1792, P. M.

Council assembled.

The Speaker laid on the table a letter from the Auditor, informing Council that his indisposition prevented his attendance, which was, by order, read.

Adjourned to ten o'clock to-morrow.

FRIDAY, January 13th, 1792, A. M.

Council assembled. Present as yesterday.

Adjourned to 3 o'clock.

FRIDAY, January 13th, 1792, P. M.

Council assembled.

On motion,

Ordered, That Nehemiah Tilton, Esquire, be and he is hereby appointed, instead of Nicholas Ridgely, Esquire, heretofore appointed for that purpose, whose time as a member of Council has since expired, to take effectual measures, with the assistance of Charles Nixon, to have fifty copies of the votes and proceedings

of Council, together with the rules established by Council prefixed thereto, printed, from October, 1788, to the present session, inclusive.

The committee to whom was referred the bill entitled "A supplement to an act for taking lands in execution," presented the following report, viz:

"That the existing laws of this State and the practice and usage of the Courts are competent to all the purposes intended to be remedied by said act. We are therefore of opinion the said supplementary act ought to be rejected by Council."

On motion, the above report was read and agreed to.

On motion,

Resolved, That Mr. Tilton, Mr. Raymond, and Mr. Cooper be a committee to prepare and bring in a bill to revise the act entitled "An act supplementary to the act entitled 'An act for the more easy and speedy recovery of small debts,' passed the 5th February, 1785."

Mr. McKennan, a member of Assembly, was admitted and delivered the following resolution:

IN THE HOUSE OF ASSEMBLY, January 12th, 1792, P. M.

On motion,

Resolved, That a Joint Committee of both Houses be appointed to confer on the business relating to the Auditor of Accounts of this State, in order to devise the best means to procure to the Legislature such information as may be considered expedient, and likewise to procure the books of the State Treasurer.

The members appointed on the part of this House are Mr. McKennan and Mr. Barker.

Extract from the minutes. JAS. BOOTH,

Sent for concurrence. *Cl'k of Assembly.*

On motion, the above resolution was read and concurred in.

The members appointed on the part of Council are Mr. Alexander and Mr. Shankland.

Adjourned to 10 o'clock to-morrow.

SATURDAY, January 14th, 1792, A. M.

Council assembled. Present as yesterday.

Mr. Robinson, a member of Assembly, was admitted and presented to the Chair a bill entitled "A supplementary act to an act entitled 'An act to enable the owners and possessors of the marsh meadow on the southwest side of Christiana river, in New Castle County, to keep the banks, dams and sluices in good and sufficient order and repair,' " passed by the House of Assembly and sent for concurrence; which was, on motion, read and referred to Mr. Raymond and Mr. Alexander, to report thereon.

Mr. Raymond applied for leave of absence till Monday next, which was granted.

Adjourned to 3 o'clock this afternoon.

SATURDAY, January 14th, 1792, P. M.

Council assembled. Mr. Raymond absent.

Mr. Truitt, a member of Assembly, was admitted and presented to the Chair a petition, signed by Jonas Stedham, Job Harvey, Peter Jacquet, Sen., Jesse Jacquet, and Peter Jacquet, Jun., praying the Legislature to pass a supplementary act to an act entitled "An act to enable the owners and possessors of the marsh meadow on the southwest side of Christiana river, in New Castle County, to keep the banks, dams and sluices in good and sufficient order and repair," together with several papers relative thereto; which were, by order, read and referred to the committee this morning appointed on that business.

The committee appointed yesterday to confer with a committee of the House of Assembly, presented their report, which was, by order, read, and is as follows, viz:

The Joint Committee of both Houses, appointed to confer on the best mode of obtaining a statement of the public accounts of the State, as well as to devise a plan for having the books of the late Treasurer lodged with the present Treasurer, beg leave to report, as their opinion, that for effecting the above purposes a letter, addressed from the Speakers of both Houses, be sent to the Auditor of this State, requiring his immediate attendance, or, if sickness or other causes should prevent his personal attendance, then, in that case, a statement of the public accounts should be made out and forwarded by him, without loss of time, or furnish the Houses with his books. And as your committee have understood that the books of the late Treasurer are at this time in Philadelphia, they therefore are of opinion that the Speakers of the two Houses should, by letter, call on the executors of the late Treasurer, desiring that the books of the late Treasurer should be immediately obtained and lodged by them with the present Treasurer of the State.

Signed by the Committee of Council,

ARCHB'D ALEXANDER,
RHOADS SHANKLAND.

Signed by the Committee of the House of Assembly,

WM. McKENNAN,
JOS. BARKER.

On motion, the foregoing report was agreed to.

Mr. Hollingsworth, a member of Assembly, was admitted and presented the following proposed amendment to the report of the joint committee, viz:

IN THE HOUSE OF ASSEMBLY, A. M., Jan. 13th, 1792.

Resolved, That the Auditor of this State be requested and directed to make his immediate attendance before this House and show cause why he has not complied with the resolution entered into by this House at their last October session, and that the Sergeant-at-Arms be requested to wait on him with the above resolution, and in case of sickness, to forward his books and papers for the inspection of the Legislature forthwith.

And that the executors of the late State Treasurer be requested to deliver up, within six days after being notified, to

the present State Treasurer, all the books and papers of the said office, whole, entire, and undefaced, and that notice of this resolution be given to the said executors.

The House of Assembly propose the above as an amendment to the report of the joint committee of both Houses, to begin after "their opinion." *Dele* all the after clauses and insert the above.

Extract from the minutes. For JAMES BOOTH,
F. MANY, *C.*

On motion, the foregoing resolution was read and unanimously rejected.

Ordered, That Mr. Alexander wait on the House of Assembly and return the said resolution and report of the joint committee; which he did accordingly.

Council adjourned to 10 o'clock on Monday.

MONDAY, January 16th, 1792, P. M.

Council assembled. Present as on Saturday morning.

Adjourned to 10 o'clock to-morrow.

TUESDAY, January 17th, 1792.

Council assembled. Present as yesterday.

The Speaker laid upon the table the following resolution of the House of Assembly, handed to him by Mr. McKennan, a member of that House:

IN THE HOUSE OF ASSEMBLY, January 17th, 1792.

Resolved, That the Sergeant-at-Arms be directed to put in order the office at the southeast corner of the State House to receive the books, &c., of the Auditor of Accounts of this State.

Extract from the minutes. FRANCIS MANY, for

Sent for concurrence. JAS. BOOTH, *Cl'k.*

On motion, the foregoing resolution was read and unanimously disagreed to.

On motion, the following resolution was entered into:

Resolved, That the Auditor of Accounts be desired to call on the Commissioners appointed by the Levy Court of Kent County for building a new Court House in Dover, in said county, and request them to put him in the possession of the office at the southeast corner of said Court House, appropriated to and for the sole use and accommodation of the General Assembly by a law passed at Dover the twenty-ninth day of January, one thousand seven hundred and ninety-one, and that the said office shall be used and occupied by the Auditor of Accounts, and in such other manner as shall hereafter be directed by the General Assembly.

Resolved, That the Auditor of Accounts be furnished with a copy of the foregoing resolution.

Ordered, That Mr. Shankland wait on the House of Assembly with the foregoing resolutions, for their concurrence; which he did accordingly.

A petition from Margaret North was presented and read, praying Council to concur with the House of Assembly in granting a sum of money which had been reported by the Auditor to be due to her.

Adjourned to 10 o'clock to-morrow.

WEDNESDAY, January 18th, 1792, A. M.

Council assembled. Present as yesterday.

On motion,

Ordered, That Mr. Alexander and Mr. Raymond be a committee to take into consideration the petition of Margaret North, which was presented and read yesterday, and to report thereon.

Adjourned to 10 o'clock to-morrow.

THURSDAY, January 19th, 1792, A. M.

Council assembled. Present as yesterday.

Mr. McKennan, a member of Assembly, was admitted and presented to the Chair a petition from the Trustees of the Poor of New Castle County and a bill entitled "A supplementary act to an act entitled 'An act for the better relief of the Poor,' passed the 29th day of January, 1791," passed by the House of Assembly and sent for concurrence. Which petition and bill were, on motion, read.

The committee appointed to bring in a bill to revive the act entitled "An act supplementary to the act entitled 'An act for the more easy and speedy recovery of small debts,' passed the 5th February, 1785," reported a bill entitled "An act for the more easy and speedy recovery of small debts," which was, on motion, read.

Agreeable to leave granted, Mr. Raymond laid on the table a bill entitled "An act to authorize Ann Ridgely and Nicholas Ridgely, executors of Charles Ridgely, Esquire, deceased, to convey unto Daniel Mifflin a certain parcel of land situate in Murderkill Hundred, Kent County;" which was, on motion, read.

On motion, the petition from the Trustees of the Poor of New Castle County, together with the bill entitled "A supplementary act to an act entitled 'An act for the better relief of the Poor,' passed the 29th day of January, 1791," was committed to Mr. Tilton, Mr. Alexander, and Mr. Raymond, to report thereon.

Adjourned to 3 o'clock this afternoon.

THURSDAY, January 19th, 1792, P. M.

Council assembled.

On motion, by special order, the bill entitled "An act for the more easy and speedy recovery of small debts," was read a second time by paragraphs, and passed Council.

Ordered, That Mr. Cooper wait on the House of Assembly with said bill for their concurrence.

Mr. Many, a member of Assembly, was admitted and presented to the Chair the following message from the President, together with the several letters and papers therein mentioned:

Gentlemen of the General Assembly:

The Secretary will lay before you a copy of additional treaties, index, and errata to complete the sets of the acts passed the first, second, and third sessions of Congress; also duly authenticated copies of "An act granting further time for making a return of the enumeration of the inhabitants in the District of South Carolina;" of "An act for the relief of David Cook and Thomas Campbell;" of "An act for making appropriations for the support of Government for the year 1792;" also a printed "Return of the enumeration of the inhabitants of the United States;" a letter from his Excellency, Charles Pinckney, Governor of the State of South Carolina, with a letter from the Secretary of that State, inclosing a list of books and papers belonging to the Delaware State, contained in a box in the said Secretary's office; a letter from the Honorable Thomas McKean and Edmund Phy-

sick, attorneys-in-fact of the Honorable John Penn and Jno. Penn of the kingdom of Great Britain, and late proprietors of the Counties of New Castle, Kent, and Sussex, informing that the said attorneys-in-fact are authorized to remit all alienation fines that were in arrears on the 2d day of September, 1775, and to make composition and agreement respecting the quit rents and other rents, issues, and profits, and the remaining alienation fines now due to the said proprietors, or either of them, according to circumstances, and proposing to sell to the Government all the estate, rights and titles of the said proprietors in and to this State.

The office of Treasurer of this State having become vacant by the death of John Gordon, the late Treasurer, I did, on the 5th day of December last, by and with the approbation of the Privy Council, constitute and appoint Francis Many, the Treasurer of this State, to hold and enjoy that office until the Legislature should take order in the premises.

Dover, January, 1792. J. CLAYTON.

Council adjourned to 10 o'clock to-morrow.

FRIDAY, January 20th, 1792, A. M.

Council assembled. Present as yesterday.

Mr. McKennan, a member of the House of Assembly, was admitted and presented to the Chair the following resolution, which was, by order, read, viz:

IN THE HOUSE OF ASSEMBLY, January 20th, 1792.

Whereas it appears, by a report from the Auditor, that there are a number of balances which stand open in the public books, in old emissions of Continental money, therefore

Resolved, That the Auditor be directed to liquidate all such balances to specie value at the rate of one hundred for one

An extract from the minutes. FRANCIS MANY, fo.

Sent for concurrence. JAMES BOOTH, *Cl'k.*

The same member also delivered the following resolution :

IN THE HOUSE OF ASSEMBLY, January 20th, 1792.

Resolved, That the President of this State shall be requested to take such measures as he shall conceive most effectual for procuring sundry books and papers, the property of this State, as well as sundry books and papers, the property of Samuel Patterson, deceased, now in the State of South Carolina; and that the President draw an order on the State Treasurer for the necessary expenses for procuring the same.

An extract from the minutes. FRANCIS MANY, for
Sent for concurrence. JAMES BOOTH, *Cl'k.*

On motion, the last mentioned resolution was read, considered and agreed to.

On motion, the President's Message, together with the letters and papers therein mentioned, were read.

Adjourned to 3 o'clock this afternoon.

FRIDAY, January 20th, 1792, P. M.

Council assembled.

Mr. Rogers, a member of the House of Assembly, was admitted and presented to the Chair a bill entitled "An act to supply the loss of a deed made in or about the year one thousand seven hundred and fifty-eight, by Simon Dixon to John Way, for two hundred acres of land in Mill Creek Hundred, in the County of New Castle," passed by the House of Assembly and sent for concurrence. Which bill was, on motion, read.

On motion, by special order,

The bill entitled "An act to authorize Ann Ridgely and Nicholas Ridgely, the executors of Charles Ridgely, Esq., deceased, to convey unto Daniel Mifflin a certain parcel of land situate in Murderkill Hundred, Kent County," was read a second time by paragraphs and passed Council.

Mr. Alexander presented to the Chair a petition, signed by a number of the inhabitants of the Town of New Castle, praying leave to bring in a bill to enlarge the corporate powers of the Trustees of New Castle Commons; which was, on motion, read, and leave granted accordingly.

On motion, by special order,

The bill entitled "An act to supply the loss of a deed made in or about the year one thousand seven hundred and fifty-eight, by Simon Dixon to John Way, for two hundred acres of land in Mill Creek Hundred, in the County of New Castle," was read a second time by paragraphs and passed Council.

On motion to put in nomination persons to be balloted for, to-morrow morning, out of whom two are to be chosen as Privy Councillors to supply the vacancies of George Wilson and Manlove Emerson, Esquires, whose times have expired by rotation, the following nominations were made, viz: Mr. Cooper nominated Nathaniel Mitchell, Esq.; Mr. Raymond nominated George McCall; Mr. Tilton nominated George Monro; Mr. Alexander nominated Charles Nixon; Mr. Mitchell nominated Elijah Barratt.

Adjourned to 10 o'clock to-morrow.

SATURDAY, January 21st, 1792, A. M.

Council assembled.

Mr. Batson, a member of Assembly, was admitted and presented to the Chair a bill entitled "An act for enabling Elisha Dickerson to erect a mill-dam across the head of the waters of Indian River near a place called Rock Hole, in Indian River Hundred, and Sussex County, and for the condemnation of a small piece of fast land, on the south side of said waters, for the use of a grist and saw-mill, with a log yard," passed by the House of Assembly and sent for concurrence. Which was, on motion, read and referred to Mr. Tilton, Mr. Raymond, and Mr. Cooper, to report thereon.

Agreeable to leave granted yesterday, Mr. Alexander laid on the table a bill entitled "An act for enlarging the corporate powers of the Trustees of the New Castle Commons;" which was, on motion, read.

Mr. Robinson, a member of Assembly, was admitted and presented to the Chair a petition, signed by a number of the inhabitants of Campden, praying a law to prevent hogs from running at large, and a bill entitled "An act to prevent swine running at large in the village of Campden and certain bounds and limits therein prescribed," passed by the House of Assembly and sent for concurrence. Which petition and bill were, on motion, read.

A memorial, signed by the Sheriffs of New Castle and Kent Counties, praying leave to bring in a bill to increase the fees to Sheriffs, was laid on the table, and, on motion, read and referred to Mr. Alexander and Mr. Shankland, to report thereon.

On motion, by special order,

The bill entitled "An act for enlarging the corporate powers of the Trustees of the New Castle Commons," was read a second time by paragraphs, and passed Council.

Agreeable to the order of the day, Council proceeded to the election of two persons as Privy Councillors, to supply the vacancies occasioned by the expiration of the times of George Wilson and Manlove Emerson, Esquires, and the ballots being taken and cast up, it appears that Nathaniel Mitchell and George McCall, Esquires, were duly elected, and they were declared to be duly elected accordingly.

Adjourned to 10 o'clock on Monday next.

MONDAY, January 23d, 1792.

Council assembled. Present as on Saturday.

Ordered, That Mr. Raymond wait on the House of Assembly with the following papers, viz:

"An act to supply the loss of a deed made in or about the year one thousand seven hundred and fifty-eight, by Simon Dixon to John Way, for two hundred acres of land in Mill Creek Hundred, in the County of New Castle" concurred in by Council; "An act to authorize Ann Ridgely and Nicholas Ridgely, executors of Charles Ridgely, Esquire, deceased, to convey unto Daniel Mifflin a certain parcel of land situate in Murderkill Hundred, Kent County," passed by Council and sent for concurrence; "An act for enlarging the corporate powers of the Trustees of the New Castle Commons," passed by Council and sent for concurrence; and the resolution of the House of Assembly entered into the 20th instant, respecting the books and papers belonging to the State, now in South Carolina, concurred in by Council.

Which he did accordingly.

On motion,

Ordered, That Mr. Shankland and Mr. Alexander be a committee to take into consideration the bill entitled "An act to prevent swine running at large in the village of Campden, and certain bounds and limits therein prescribed," and to report thereon.

Mr. Evans, a member of the House of Assembly, was admitted and presented the following resolution, viz., which was read:

IN THE HOUSE OF ASSEMBLY, January 23d, 1792.

Resolved, That a Joint Committee of both Houses be appointed to take into consideration the condition of the finances of this State, and as far as can be the accounts and demands due to the same, and report to this General Assembly the most advisable means for bringing all monies and demands into the public Treasury.

The members on the part of this House, are Messrs. Truitt, Evans, and Batson.

Extract from the minutes. FRANCIS MANY, for

Sent for concurrence. JAMES BOOTH, *Cl'k.*

Adjourned to 10 o'clock to-morrow.

TUESDAY, 24th January, 1792, A. M.

Council assembled. Present as yesterday.

The committee to whom was referred the petition of Margaret North, presented the following report, which was read:

That from every information they have been able to collect, it is the opinion of your committee that Council should concur with the House of Assembly and agree to the Auditor's report, as made to the House of Assembly the 11th of January, 1791, and entered on the minutes of Council.

On motion, the report of the Auditor, dated the eleventh of January, one thousand seven hundred and ninety-one, as entered at large on the minutes of Council the twelfth day of January, one thousand seven hundred and ninety-one, allowing the sum of one hundred and twelve pounds six shillings and five pence to Margaret North, was read, considered, and concurred in.

On motion, the resolution of the House of Assembly appointing a joint committee to take into consideration the state of the finances of this State, presented yesterday, was read, considered, and agreed to.

The members appointed on the part of Council, are Mr. Tilton, Mr. Alexander, and Mr. Raymond.

Ordered, That Mr. Cooper wait on the House of Assembly and return them the above resolution and the report of the Auditor, concurred in by Council; which he did accordingly.

Adjourned to 10 o'clock to-morrow.

WEDNESDAY, January 25th, 1792, A. M.

Council assembled. Present as yesterday.

The committee to whom was referred the memorial of the Sheriffs of New Castle and Kent Counties, presented the following report, viz:

That as this State is now about to alter the present Constitution and form a new one, which is soon expected to take effect, and at which time it will be necessary for the Legislature to make many general regulations for the respective officers, it is therefore the opinion of your committee that Council should not at this time go into any partial regulation of the fees as established by the present existing laws of this State.

Which was, on motion, read and agreed to.

The committee to whom was referred the bill entitled "An act to prevent swine running at large in the village of Campden and certain bounds and limits therein prescribed," reported sundry amendments to said bill.

On motion, the said bill was read a second time, with the amendments proposed thereto by the committee.

Adjourned to 3 o'clock this afternoon.

WEDNESDAY, January 25th, 1792, P. M.

Council assembled.

On motion, the bill entitled "An act to prevent swine running at large in the village of Campden and certain bounds and limits therein prescribed," was read a third time by paragraphs, with the amendments proposed, and passed Council.

Ordered, That Mr. Cooper wait on the House of Assembly with said bill; which he did accordingly.

Mr. McKennan, a member of Assembly, was admitted and returned the bill entitled "An act for the more easy and speedy recovery of small debts," with eight amendments proposed thereto by the House of Assembly.

Adjourned to 10 o'clock to-morrow.

THURSDAY, 26th January, 1792.

Council assembled. Present as yesterday.

The committee to whom was referred the bill entitled "A supplementary act to the act entitled 'An act for the better Relief of the Poor,'" reported that the said act, as passed by the House of Assembly, should be rejected by Council, and, instead thereof, a bill entitled "A supplementary act to an act entitled 'An act for the better Relief of the Poor,' passed at Dover, the 29th day of January, 1791," which the committee now laid on the table, should be substituted.

On motion, the act reported by the committee was read.

On motion, the bill entitled "A supplementary act to the act entitled 'An act for the better Relief of the Poor,'" as passed by the House of Assembly, was read and unanimously rejected.

On motion, the bill entitled "A supplementary act to an act entitled 'An act for the better Relief of the Poor,' passed at Dover, the 29th day of January, 1791," as reported by the committee, was, by special order, read a second time by paragraphs, and passed Council.

Ordered, That Mr. Tilton wait on the House of Assembly with said bill, for their concurrence; which he did accordingly.

On motion, the resolution of the House of Assembly, presented the 20th inst., directing the Auditor to liquidate the balances due on the old emissions, was read, considered, and agreed to.

Ordered, That Mr. Tilton return the said resolution to the House of Assembly; which he did accordingly.

Adjourned to 10 o'clock to-morrow.

FRIDAY, January 27th, 1792, A. M.

Council assembled. Present as yesterday.

Mr. McKennan, a member of Assembly, was admitted and presented to the Chair an act entitled "An act to enable the owners and possessors of a certain tract of meadow ground, marsh and cripple, situate at the north end of the Town of New Castle, to repair, support and maintain the banks, dykes and sluices belonging to the same," passed by the House of Assembly and sent for concurrence, and a petition, signed by sundry persons, owners of marsh near the Town of New Castle.

On motion, the act entitled "An act for the more easy and speedy recovery of small debts," with the amendments proposed thereto by the House of Assembly, was read, and six of the said amendments were disagreed to, and an additional amendment proposed thereto by Council.

Ordered, That Mr. Cooper wait on the House of Assembly with said bill, and the amendment proposed thereto, for their concurrence; which he did accordingly.

The committee to whom was referred the bill entitled "An act to enable Elisha Dickerson to erect a mill-dam across the headwaters of Indian River," presented the following report, viz:

"That they are of opinion said bill may pass into a law, with such amendments as shall be thought proper by Council."

Which was, on motion, read and agreed to.

On motion of Mr. Tilton, seconded by Mr. Alexander, that the said bill be recommitted, it was determined in the negative.

Mr. McKennan, a member of Assembly, was admitted and presented to the Chair a memorial of William Frazer, in behalf of his son, William Clark Frazer, together with a bill entitled "An act to vest William Clark Frazer with certain parts of the estate of William Clark, deceased, which by reason of alienage in the devisee had devolved to the Delaware State, in William Clark Frazer, an infant."

On motion, the bill entitled "An act to enable Elisha Dickerson to erect a mill-dam across the headwaters of Indian River," was, by special order, taken up for a second reading, by paragraphs, and after some progress made therein, Council adjourned to 3 o'clock this afternoon.

FRIDAY, January 27th, 1792, P. M.

Council assembled, and, on motion, resumed the reading, by paragraphs, the bill entitled "An act to enable Elisha Dickerson to erect a mill-dam across the headwaters of Indian River."

On motion of Mr. Tilton, seconded by Mr. Alexander, to postpone the reading said bill till Council have further consideration of the same, it was determined in the negative.

Council then proceeded in the reading of said bill, and sundry amendments being proposed thereto and agreed to, passed Council.

Adjourned to 10 o'clock to-morrow.

SATURDAY, January 28th, 1792, A. M.

Council assembled. Present as yesterday, except Mr. Shankland.

Mr. Hollingsworth, a member of Assembly, was admitted and delivered the following papers, viz: A petition signed by James Delaplaine, with the following resolution:

IN THE HOUSE OF ASSEMBLY, 26th January, 1792, P. M.

Resolved, That James Delaplaine, late Collector of the State Tax of New Castle County, be allowed four per cent. for the col-

lection of the State tax for the year 1785, on the final settlement of his account with the Auditor.

Sent for concurrence. FRANCIS MANY,
For JAMES BOOTH, *Cl'k.*

The same member also delivered the following report, viz:

We, the Joint Committee of both Houses of the General Assembly, appointed to take into consideration the state of the finances of the State, and the measures to be taken to bring the outstanding debts into the Treasury, beg leave to report:

That the Auditor lay a state of the finances before the General Assembly, specifying the several debtors and the sum or sums due from each of them, as near as can be ascertained. That a law be passed appointing a State Treasurer, vested with ample powers to recover, in the most speedy and summary manner, the sum or sums so reported due to the State. That he may attend the sale of lands or goods at the suit of the State; bid for or buy the same, and make sale thereof for the use of the State, always having regard to the interest of the State in his purchases or sales. That provision be made for bringing all monies from the different Loan Offices into the Treasury; and that no further loans of money be made on mortgage. That provision be made for appointing collectors for the different Hundreds in Sussex County for the tax laid in 1790, where they are not already appointed. That the Auditor, at all times when required, shall furnish the Treasurer with an account of any debtor or debtors' accounts as the same stand on the public books; and that the State Treasurer shall settle his accounts quarterly with the Auditor.

Signed on the part of Council,

NEHEMIAH TILTON,
JAMES RAYMOND,
ARCHB'D ALEXANDER.

Signed on the part of the House of Assembly,

THOS. EVANS,
GEORGE TRUITT,
JOHN W. BATSON.

Amendment proposed by the House of Assembly to the report

of the Joint Committee of both Houses: That the word "Treasurer" shall be erased, and "agent" put in the stead thereof, in the 5th line.

Sent for concurrence. FRANCIS MANY,

Jan. 27th, 1792, A. M. For JAS. BOOTH, *Cl'k.*

A memorial from Charles Pope, formerly Lieutenant Colonel of the troops of this State, with the following resolution, viz:

IN THE HOUSE OF ASSEMBLY, January 28th, 1792.

Resolved, That Lt. Col. Charles Pope is entitled to the benefit of all that part of the act of Assembly of this State entitled "An act for calling out of circulation their quota of Continental money," so far as it respects the depreciation of the pay due to the officers and soldiers of the Delaware Regiment, and that the Auditor and the surviving Commissioner for settling the depreciation accounts be required to adjust and liquidate the depreciation of the pay of the said Charles Pope and issue their certificate or certificates for the same.

Sent for concurrence. FRANCIS MANY,

For JAS. BOOTH, *Cl'k.*

Mr. Hollingsworth also returned the bill entitled "An act for the more easy and speedy recovery of small debts," with the amendments proposed by the House of Assembly, and disagreed to by Council, receded from, and the amendment proposed by Council disagreed to, and a further amendment proposed by the House of Assembly.

On motion, the said bill was read, and the amendment proposed by Council receded from, and the amendment proposed by the House of Assembly agreed to.

Ordered that the same be now engrossed.

On motion, the report of the joint committee appointed to take into consideration the state of the finances, was read and agreed to. The amendment proposed thereto by the House of Assembly was rejected.

Ordered, That Mr. Alexander wait on the House of Assembly and return said report; which he did accordingly.

Mr. Truitt, a member of Assembly, was admitted and presented to the Chair a bill entitled "An act for the better improvement of a tract or parcel of meadow, marsh and cripple, commonly called the Mill Creek Marshes, situated on St. Jones' River, in Kent County," passed by the House of Assembly and sent for concurrence.

Adjourned to 10 o'clock on Monday.

MONDAY, January 30th, 1792, A. M.

Council assembled. Present as on Saturday.

On motion, the bill entitled "An act to enable the owners and possessors of a certain tract of meadow ground, marsh and cripple, situate at the north end of the Town of New Castle, to repair, support and maintain the banks, dykes and sluices belonging to the same," was read.

On motion, the last mentioned bill, and the bill entitled "An act for the better improvement of a tract or parcel of meadow, marsh and cripple, commonly called the Mill Creek Marshes, situated on St. Jones' River, in Kent County," were referred to Mr. Tilton and Mr. Alexander, to report thereon.

Adjourned to 3 o'clock this afternoon.

MONDAY, January 30th, 1792, P. M.

Council assembled.

On motion, the memorial of Lt. Col. Charles Pope, together with the resolution of the House of Assembly on his case, dated the 28th instant, were read.

On motion,

Resolved, That Council do concur in the said resolution.

Ordered, That Mr. Raymond return said resolution to the House of Assembly, which was done accordingly.

On motion, the memorial of William Frazer, in behalf of his son, and the bill entitled "An act to vest certain parts of the estate of William Clark, deceased, which by reason of alienage in the devisee had devolved to the Delaware State, in William Clark Frazer, an infant," were read and referred to Mr. Alexander, Mr. Raymond, and Mr. Cooper, to report thereon.

On motion, the petition of James Delaplaine, with the resolution of the House of Assembly, dated the 26th inst., respecting a further allowance to him as Collector of the State Tax for 1785, were read and committed to Mr. Tilton and Mr. Cooper to report thereon.

Adjourned to 10 o'clock to-morrow.

TUESDAY, January 31st, 1792.

Council assembled. Present as yesterday.

Mr. McKennan, a member of Assembly, was admitted and presented a bill entitled "An additional supplement to an act entitled 'An act for the limitation of actions and proving accounts against the estates of persons dying within this State,'" passed by the House of Assembly and sent for concurrence. Which was, on motion, read.

Mr. Evans, a member of Assembly, was admitted and returned the bill entitled "A supplementary act to an act for the better Relief of the Poor," with twenty amendments proposed thereto by the House of Assembly, which, on motion, were read, and five of their proposed amendments disagreed to, one postponed, the remaining number agreed to, and an amendment proposed thereto by Council.

The committee to whom was referred the bill entitled "An act

to enable the owners and possessors of a certain tract of meadow ground, marsh and cripple, situate at the north end of the Town of New Castle, to repair, support and maintain the banks, dykes and sluices belonging to the same," reported sundry amendments thereto.

On motion, the said bill was, by special order, read a second time, by paragraphs, and sundry amendments being proposed and agreed to, passed Council.

Ordered, That Mr. Cooper wait on the House of Assembly with said bill, and the amendments proposed, for their concurrence; which he did accordingly.

Mr. Hollingsworth, a member of Assembly, was admitted and returned the report of the joint committee on the subject of finance, with the amendment proposed thereto by the House, and disagreed to by Council adhered to, and four additional amendments proposed thereto, which were, on motion, read.

Adjourned to 10 o'clock to-morrow.

WEDNESDAY, February 1st, 1792, A. M.

Council assembled. Present as yesterday.

Ordered, That Mr. Tilton wait on the House of Assembly and deliver them the following verbal message, for their concurrence, viz:

Gentlemen:

The Council propose to the honorable House of Assembly the meeting of the General Assembly, in the Council Chamber, at one o'clock this afternoon, in order to put in nomination persons out of whom shall be chosen a State Treasurer, to supply the vacancy occasioned by the death of John Gordon, Esquire; and also to put in nomination persons out of whom shall be chosen a Justice to supply the vacancy in the Court of Common Pleas

in the County of Sussex, occasioned by the death of Peter F. Wright, Esquire.

Mr. Tilton delivered the message accordingly.

Mr. Truitt, a member of Assembly, was admitted and returned the above message, concurred in by the House of Assembly.

Adjourned to 3 o'clock this afternoon.

WEDNESDAY, February 1st, 1792, P. M.

Council assembled.

Mr. Truitt, a member of Assembly, was admitted and delivered the following verbal message, which was read, viz:

IN THE HOUSE OF ASSEMBLY, P. M., February 1st, 1792.

Gentlemen:

The House of Assembly propose to the honorable Legislative Council that they will meet, in the Council Chamber, in five minutes, in order to put in nomination persons out of whom shall be chosen a State Treasurer, to supply the vacancy occasioned by the death of John Gordon, Esquire; and also to put in nomination persons out of whom shall be chosen a Justice to supply the vacancy in the Court of Common Pleas in the County of Sussex, occasioned by the death of Peter F. Wright, Esquire.

The General Assembly met in Council Chamber.

The verbal message sent this morning by Council to the House of Assembly, and concurred in by that House, was, by order, read.

On motion of Mr. Many, seconded by Mr. Barratt, that as the President or Commander-in-Chief is not present, the two Houses do now separate, it was determined in the negative.

On motion of Mr. Truitt, seconded by Mr. Batson, that the General Assembly do now proceed to nominate persons out of

whom shall be chosen a State Treasurer, to supply the vacancy occasioned by the death of John Gordon, Esquire, it was determined in the affirmative.

The General Assembly proceeded accordingly, and the following persons were nominated, viz:

Mr. Draper nominated Robert Clark, Esquire; Mr. McLane nominated Francis Many, Esquire; Mr. Oliver nominated Nicholas Ridgely, Esquire; Mr. Alexander nominated John Stockton, Esquire.

On motion of Mr. Batson, seconded by Mr. Truitt, that the General Assembly do now proceed to nominate persons out of whom shall be chosen Justices to supply the vacancies in the Court of Common Pleas in Sussex County, it was determined in the affirmative.

The General Assembly proceeded accordingly, and the following persons were nominated:

Mr. Tilton nominated Peter Robinson, Esquire, 2d Justice; Mr. Batson nominated Charles Polk, Esquire, 3d Justice; Mr. Batson nominated Isaac Cooper, Esquire, 4th Justice.

On motion,

Resolved, That the two Houses now separate, and meet, in the Council Chamber, in one hour, in order to elect, by ballot, persons, from those in nomination, as State Treasurer and Justices of the Court of Common Pleas for the County of Sussex.

The Houses separated accordingly.

The General Assembly met, in the Council Chamber, and, on motion, proceeded, by joint ballot, to the election of a State Treasurer, to supply the vacancy occasioned by the death of John Gordon, Esquire, and the ballots being taken and examined, it appeared that Robert Clark, Esquire, was duly elected, and he was declared duly elected State Treasurer accordingly.

On motion of Mr. Batson, seconded by Mr. Cannon, that the General Assembly do now proceed to elect persons, by ballot, out of those in nomination, as Justices to supply the vacancies in the Court of Common Pleas in the County of Sussex, it was determined in the negative.

On motion of Mr. Batson, seconded by Mr. McKennan, that the consideration of the last question be resumed, it was determined in the affirmative.

On motion of Mr. Batson, seconded by Mr. Cannon, that the General Assembly do now proceed to elect persons, by ballot, out of those in nomination as Justices to supply the vacancies in the Court of Common Pleas in the County of Sussex, it was determined in the affirmative.

The Speaker of the House of Assembly requested leave to retire, as he considered it unconstitutional to go into such appointment in the absence of the President. Leave was granted and he retired accordingly.

On motion of Mr. Barratt, seconded by Mr. Barker, that the yeas and nays be taken on the question to elect persons, by ballot, as Justices in the Court of Common Pleas in Sussex County, it was determined in the affirmative. They were taken accordingly, and are as follows:

Yeas—Mr. Alexander, Mr. Tilton, Mr. Maxwell, Mr. Robinson, Mr. Reynolds, Mr. McKennan, Mr. Hayes, Mr. Batson, Mr. Draper, Mr. Jeremiah Cannon, Mr. Wingate Cannon, Mr. Cooper.

Nays—Mr. Raymond, Mr. Evans, Mr. Collins, Mr. Hollingsworth, Mr. Truitt, Mr. Barratt, Mr. Many, Mr. Lewis, Mr. Barker, Mr. Oliver.

On motion of Mr. Tilton, seconded by Mr. Cannon, that the Speaker of the House of Assembly having retired, shall this General Assembly proceed to elect persons out of those in nomination as Justices to supply the vacancies in the Court of Common Pleas in the County of Sussex? it was determined in the negative.

On motion of Mr. Evans, seconded by Mr. Barker, that the Clerk of the House of Assembly be directed to request the Speaker of that House to resume his seat, it was determined in the affirmative.

The Clerk reported, from the Speaker, that he would resume the Chair for the purpose of the Houses to separate, but, as leave was granted him to retire, he did not choose to resume for any other purpose.

On motion of Mr. Evans, seconded by Mr. McKennan, that Mr. Robinson do now take the Chair of the Speaker of the House of Assembly, as Speaker of that House *pro tempore*, it was determined in the affirmative, and Mr. Robinson was placed in the Chair accordingly.

The General Assembly then proceeded, by joint ballot, to the election of Justices, separately, to supply the vacancies in the Court of Common Pleas in Sussex County, and the ballots being taken and examined, it appeared that Peter Robinson, Esquire, was duly elected second Justice; Charles Polk, Esquire, was duly elected third Justice, and Isaac Cooper, Esquire, was duly elected fourth Justice, and they were declared duly elected accordingly.

Then the two Houses separated, and Council adjourned to 10 o'clock to-morrow.

THURSDAY, February 2d, 1792, A. M.

Council assembled. Present as yesterday.

On motion, the report of the joint committee on the subject of finance, together with the amendments proposed thereto by the House of Assembly, were read, and the proposed amendments disagreed to.

On motion,

Resolved, That Mr. Tilton and Mr. Cooper be a committee to prepare and bring in a bill agreeable to the tenor of the report of the joint committee on the subject of finance.

On motion, the amendments proposed by the House of Assembly to the bill entitled "A supplementary act to an act entitled 'An act for the better Relief of the Poor,' passed at Dover, the 29th day of January, 1791," which had been postponed by Council, were read, and the four first lines thereof rejected, the remainder agreed to.

Ordered, That Mr. Raymond return the said bill, with the

amendments, as acted on by Council, and the report of the joint committee on the subject of finance, with the amendments proposed disagreed to, to the House of Assembly; which he did accordingly.

Adjourned to 3 o'clock this afternoon.

THURSDAY, February 2d, 1792, P. M.

Council assembled.

The committee to whom was referred the bill entitled "An act to vest certain parts of the estate of William Clark, deceased, which by reason of alienage in the devisee had devolved to the Delaware State, in William Clark Frazer, an infant," reported an amendment thereto.

On motion, the said bill was, by special order, read a second time by paragraphs, and an amendment being proposed thereto and agreed to, passed Council.

Ordered, That Mr. Cooper wait on the House of Assembly with said bill, as amended, for their concurrence; which he did accordingly.

Mr. McKenman, a member of Assembly, was admitted and presented to the Chair a bill entitled "An additional supplement to the additional supplement to the supplement of an act entitled 'An act to prevent the exportation of slaves, and for other purposes,' " passed by the House of Assembly and sent for concurrence. Which was, on motion, read.

On motion, the bill entitled "An additional supplement to an act entitled 'An act for the limitation of actions and proving accounts against the estate of persons dying within this State,' " was committed to Mr. Raymond and Mr. Alexander, to report thereon.

Mr. Evans, a member of Assembly, was admitted and delivered a report from the Auditor, dated January 25th, 1792, con-

taining a circumstantial account of the finances of this State; which was, on motion, read, and ordered to lie on the table.

Council adjourned to 10 o'clock to-morrow.

FRIDAY, February 3d, 1792, A. M.

Council assembled. Present as yesterday.

Mr. Lewis, a member of Assembly, was admitted and returned the bill entitled "A supplementary act to an act entitled 'An act for the better Relief of the Poor,' passed at Dover, 29th January, 1791," thus acted on:

IN THE HOUSE OF ASSEMBLY, A. M., February 3, 1792.

The amendments not agreed to by Council receded from by this House, and the amendment proposed thereto by Council agreed to.

For JAMES BOOTH, *Cl'k*,
FRANCIS MANY.

On motion, ordered that said bill be now engrossed.

Mr. Robinson, a member of Assembly, was admitted and delivered the following reports from the Auditor, agreed to by that House, viz:

The Auditor of Accounts having, as State Commissioner, transmitted to the office of the Commissioner of Army Accounts of the United States the accounts of sundry officers employed in the recruiting service during the late war, has received from the said office statements of several of their accounts, none of which are in a condition to be acted upon, except Captain Peter Jacquet's, which is sent herewith, and thereupon he begs leave to make the following report:

That, charging Capt. Peter Jacquet with the money he received from Col. Hall in January, 1777, . . $ 260 00

Also with money he received from Geo. Read, Esq., in May, 1777,	$ 780 00
And with the specie value of $1,000 he received from Col. Hall in June, 1778,	354 80
There remains due to him, in specie, the sum of £153 : 18 : 4, equal to	410 40
	$1,805 30

Equal to the credit given this State by the United States.

Dover, January 26th, 1792. ELEAZER McCOMB.

The Auditor of Accounts, to whom was referred two petitions of George Evans, of New Castle County, begs leave to report:

With respect to the first petition, dated January 2d, 1792, that at the time allowances were made to the lieutenants and sub-lieutenants of Kent and Sussex Counties, it was alleged, by one or more of the members of the General Assembly from New Castle County, that those officers for that county would not exhibit any charge for their service, but would be contented with the Militia fines they had received, or were to receive, under the law. This the Auditor took for granted, as no account appeared of any money paid by them, on account of fines, to the State Treasurer; and although the declaration of these gentlemen doth not preclude the demand, the Auditor is of opinion that no allowance whatever ought to be made to the lieutenant or sub-lieutenants of New Castle County for their services until the Militia fines received by them are duly accounted for.

With respect to the second petition, dated January 4th, 1792, the Auditor is of opinion, that as Francis Wade was an officer of the United States, and not accountable to this State for his conduct in the transaction of his business, any just demand which Mr. Evans may have against him, as an officer of the United States, should be exhibited to Congress.

The Auditor begs leave further to mention that the said Geo. Evans, acting as Commissary under the appointment and orders of the President and Privy Council of this State, sold and disposed of a number of cattle, &c., to a considerable amount, in the month of November, 1777, of the sales of which no account hath yet been rendered; but a list of outstanding debts, amount-

ing to £693 : 14 : 9, hath been returned by him into the Auditor's office, and, by his own confession, there remains in his hands upwards of one thousand pounds, of Continental money, received on account of said property sold.

The Auditor, having heretofore called upon Mr. Evans, by summons, to appear in his office and settle his accounts, on his neglecting so to do, caused a suit to be instituted against him in the Court of Common Pleas of New Castle County, which is still depending; and the Auditor is of opinion that Mr. Evans ought to collect the debts he has returned outstanding and account for what he has received, or may receive, and what may have been lost through his neglect.

Dover, January 19th, 1792. ELEAZER McCOMB.

The Auditor of Accounts begs leave to report that there is due:

To James Adams, for printing the Votes and Proceedings of the House of Assembly at the sessions of January, 1791, 14 sheets, @ 28s., . .	£19 12 0		
And for printing the Votes and Proceedings of the sessions of October, 1791, 3½ sheets, @ 28s., ...	4 18 0		
		£24	10 0
To Frederick Craig & Co., for printing the Laws of the January session, containing 9½ sheets, @ 30s., ...		14	5 0
To Brynberg & Andrews, for publishing in the Delaware Gazette the resolutions of the General Assembly respecting a convention, ...	£ 1 10 0		
For printing the Votes and Proceedings of the House of Assembly at the sessions of September, 1791, 3 sheets, @ 28s., ...	4 4 0		
And for printing the Laws passed at the session of October, 1791, 1½ sheets, @ 30s., ...	2 5 0		
		7	19 0
		£46	14 0

Dover, January 24th, 1792. ELEAZER McCOMB.

The Auditor of Accounts begs leave to report that there is due:

To James Adams, for printing the Votes and Proceedings of the House of Assembly at the session of January, 1791, containing 14 sheets, @ 28s.,	£19 12 0		
And for printing the Votes and Proceedings of the session of October, 1791, 3½ sheets, @ 28s.,	4 18 0		
		£24	10 0
To Frederick Craig & Co., for printing the Laws of the January session, 1791, containing 9½ sheets, @ 30s.,		14	5 0
To Brynberg & Andrews, for printing the Votes and Proceedings of the House of Assembly at the session of September, 1791, 3 sheets, @ 28s.,	£ 4 4 0		
And for printing the Laws passed at the session of Oct., 1791, 1½ sheets @ 30s.,	2 5 0		
		6	9 0
		£45	4 0

Dover, January 24th, 1792. ELEAZER McCOMB.

Mr. Robinson also delivered a paper containing as follows, viz:

IN THE HOUSE OF ASSEMBLY, A. M., February 3d, 1792.

The several reports of the Auditor, sent herewith, are agreed to, and sent to Council for concurrence.

For JAMES BOOTH, *Cl'k*,
FRANCIS MANY.

On motion, the Auditor's reports were read and committed to Mr. Raymond and Mr. Alexander, to report thereon.

On motion, the bill entitled "An additional supplement to the additional supplement to the supplement of an act entitled 'An act to prevent the exportation of slaves, and for other purposes,'" was committed to Mr. Cooper and Mr. Raymond, to report thereon.

Council adjourned to 3 o'clock this afternoon.

FRIDAY, February 3d, 1792, P. M.

Council assembled.

Mr. Cooper, one of the committee to whom was referred the bill entitled "An additional supplement to the additional supplement to the supplement of an act entitled 'An act to prevent the exportation of slaves,' " requested to be excused from reporting on said bill, and asked leave to lay the same on the table. Leave was granted him accordingly.

Mr. Barker, a member of Assembly, was admitted and delivered the following resolution, viz:

IN THE HOUSE OF ASSEMBLY, A. M., February 3d, 1792.

Resolved, That the Commissioners of the Court House in the Town of Dover shall be allowed to draw upon the State Treasurer for the sum of five hundred and fifty pounds, out of the monies that shall come into his hands of the arrearage taxes, for the use of the said Court House, to finish the rooms appropriated for the use of the General Assembly of this State by law.

Sent for concurrence. For JAMES BOOTH, *Cl'k*,
FRANCIS MANY.

Which, on motion, was read.

The committee to whom was referred the Auditor's reports, presented their report, which was agreed to.

On motion, the Auditor's report respecting the claim of Geo. Evans, dated the 19th January, 1792; his report respecting the sum due to Capt. Peter Jacquet, dated 26th January, 1792, and his report respecting the sums due to the printers, amounting to £45 : 4 : 0, dated the 24th January, 1792, was read, considered and agreed to.

On motion, the Auditor's report respecting the sums due to the printers, amounting to £46 : 14 : 0, dated the 24th January, 1792, was read and rejected.

On motion, the bill entitled "An additional supplement to the additional supplement to the supplement of an act entitled 'An

act to prevent the exportation of slaves, and for other purposes,' " was read a second time.

Mr. McKennan, a member of Assembly, was admitted and delivered the following resolution:

IN THE HOUSE OF ASSEMBLY, February 3d, 1792.

Resolved, That it is the intention of this House to conclude the present session to-morrow evening.

For JAMES BOOTH, *Cl'k*,
FRANCIS MANY.

Which, by order, was read.

Mr. Draper, a member of the House of Assembly, was admitted and presented the following resolution, viz:

IN THE HOUSE OF ASSEMBLY, February 3d, 1792.

Resolved, That the incidental expenses of the Convention of this State that have or may accrue, which are not provided for by the resolution of September last, be now provided for, and that the President of said Convention be empowered to draw upon the State Treasurer an order or orders for the discharge of such expenses, at such time or times as he shall conceive necessary, so that such order or orders be approved of by said Convention.

Extract from the minutes.
Sent for concurrence.

For JAMES BOOTH, *Cl'k*,
FRANCIS MANY.

Which was, on motion, read.

A petition, signed by sundry inhabitants of New Castle County, and the following petition and address of Warner Mifflin, was presented to the Chair, and, by order, read, viz:*

The committee to whom was referred the report of the joint committee on the subject of finance, reported a bill entitled "An act for expediting the collection of arrearage taxes, and for other purposes;" which was, on motion, read.

On motion, by special order, the said bill was read a second time by paragraphs and passed Council.

* Not recorded.

Ordered, That Mr. Alexander wait on the House of Assembly and deliver said bill for their concurrence, and return the Auditor's report, as acted upon by Council; which he did accordingly.

Adjourned to 10 o'clock to-morrow.

SATURDAY, February 4th, 1792, A. M.

Council assembled. Present as yesterday.

The committee to whom was referred the bill entitled "An additional supplement to an act entitled 'An act for the limitation of actions and proving accounts against the estates of persons dying within this State,' " reported said bill with sundry amendments.

On motion, said bill was read a second time, by special order, by paragraphs, and sundry amendments being proposed and agreed to, passed Council.

Ordered, That Mr. Raymond wait on the House of Assembly with said bill and proposed amendments, for their concurrence; which he did accordingly.

Mr. Truitt, a member of Assembly, was admitted and returned an act entitled "An act to authorize Ann Ridgely and Nicholas Ridgely, the executors of Charles Ridgely, Esq., deceased, to convey unto Daniel Mifflin a certain parcel of land situate in Murderkill Hundred, Kent County," concurred in and passed by the House of Assembly.

Ordered that the said bill be now engrossed.

On motion, the resolution of the House of Assembly, appropriating the sum of £550 to the use of the Court House in Dover, was read and disagreed to.

Ordered, That Mr. Cooper wait on the House of Assembly and return said resolution; which he did accordingly.

Adjourned to 3 o'clock this afternoon.

SATURDAY, February 4th, 1792, P. M.

Council assembled.

Mr. Batson, a member of Assembly, was admitted and returned the bill entitled "An act for expediting the collection of arrearage taxes, and other purposes," concurred in and passed by the House of Assembly,

Ordered that said bill be now engrossed.

Mr. McKennan, a member of Assembly, was admitted and delivered a bill entitled "An act for the appropriation of the sum of five hundred and fifty pounds toward finishing the chambers in the Court House of Kent County, for the use of the Legislature, and for other purposes," passed by the House of Assembly and sent for concurrence. Which was, on motion, read.

Mr. McKennan also delivered the following report from the Auditor, which was agreed to by the House of Assembly and sent for concurrence, viz:

The Auditor of Accounts begs leave to report: That Andrew Barratt, Esq., late High Sheriff of Kent County, hath exhibited an account—

For attending the High Court of Errors and Appeals, 14 days, at different sessions, from October, 1788, to June, 1791, inclusive, at 7 : 6 per diem,	£	5	5 0
Summoning the members of the General Assembly for Kent County, in June, 1789, and Sept., 1791,		5	0 0
And for serving 10 summonses, issued by the Auditor in behalf of the State, in 1789,		2	10 0
	£	12	15 0

Which the Auditor is of opinion ought to be allowed and passed to the credit of his account. ELEAZER McCOMB.

Dover, February 3d, 1792.

"In the House of Assembly, 4th February, 1792: Agreed to."

For JAMES BOOTH, *Cl'k*,
F. MANY.

On motion, the foregoing report was read, considered and agreed to.

Mr. Truitt, a member of Assembly, was admitted and delivered the following report from the Auditor, viz:

The Auditor of Accounts, to whom was referred an account exhibited by the executors of John Gordon, Esquire, deceased, having considered the same, begs leave to report: That there is due to his estate, for public services and expenses incurred by him in the execution of the laws, for which his account ought to be credited, the following sums, viz:

	£		
For sending David Harper to Sussex County to attend the sales of George Bacon's land, ...	1	2	6
29 days attendance at the sales of property belonging to sundry delinquent collectors of Sussex County, at different times, including expenses, at 25s., . .	36	5	0
Expenses of printing advertisements and trouble of setting them up, ...	0	17	6
The same expense and trouble a second time, . . .	0	17	6
A deed of conveyance and acknowledging it, ...	0	18	9
Expenses of advertising, ...	0	7	6
Attending the Trustee of the Loan Office of Kent County, receiving and counting Continental money from Kent and Sussex Counties, and funding the same, together with sundry certificates, ...	1	10	0
Expenses of printing Treasury notes, ...	3	0	0
Issuing Treasury notes for £5248 : 9 : 8, at 10s. per hundred pounds, ...	26	4	9
	£71	3	6

Dover, February 2d, 1792. ELEAZER McCOMB.

"In the House of Assembly, 4th February, 1792: Agreed to."

Sent for concurrence. For JAMES BOOTH, *Cl'k*,
FRANCIS MANY.

On motion, the foregoing report was read, considered, and agreed to.

Mr. McKennan, a member of Assembly, was admitted and presented the following resolution, viz:

IN THE HOUSE OF ASSEMBLY, February 4th, 1792.

Resolved, That Joseph Taylor, late Collector of the State Tax of Kent County, be allowed four per cent. for the collection of the State tax for the year 1785, on the final settlement of his accounts with the Auditor.

A true extract from the minutes.

For JAMES BOOTH, *Cl'k.*

F. MANY.

On motion, the foregoing resolution was read, considered and agreed to.

On motion, the resolution of the House of Assembly, allowing James Dekaplaine four per cent. for the collection of the State Tax or 1785, presented to Council for concurrence the 28th January, was read, considered, and agreed to.

On motion, the bill entitled "An act for the appropriation of the sum of five hundred and fifty pounds toward finishing the chambers in the Court House of Kent County, for the use of the Legislature, and for other purposes," was read a second time.

On motion to postpone said bill, it was determined in the affirmative.

Mr. McKennan, a member of the House of Assembly, was admitted and presented the following resolution, together with the bills therein mentioned, signed by the Speaker of the House of Assembly, viz:

IN THE HOUSE OF ASSEMBLY, A. M., February 4th, 1792.

Resolved, That the President or Commander-in-Chief affix the Great Seal of this State to the following acts:

1. "An act to supply the loss of a deed made in or about the year one thousand seven hundred and fifty-eight, by Simon Dixon to John Way, for two hundred acres of land in Mill Creek Hundred, in the County of New Castle;"

2. "An act for enlarging the corporate powers of the Trustees of the New Castle Commons;"

3. "An act to enable the owners and possessors of a certain

tract of meadow ground, marsh and cripple, situate at the north end of the Town of New Castle, to repair, support and maintain the banks, dykes and sluices belonging to the same;"

4. "An act for enabling Elisha Dickerson to erect a mill-dam across the head of the waters of Indian River, near a place called Rock Hole, in Indian River Hundred and Sussex County, and for the condemnation of a small piece of fast land, on the south side of said waters, for the use of a grist and saw-mill, with a log yard;"

5. "An act to vest certain parts of the estate of William Clark, deceased, which by reason of alienage in the devisee had devolved to the Delaware State, in William Clark Frazer, an infant;"

6. "An act to prevent swine running at large in the village of Camden and certain bounds and limits therein prescribed;"

7. "An additional supplement to an act for the limitation of actions and proving accounts against the estate of persons dying within this State."

Ordered, That Mr. McKennan deliver to Council a copy of the above resolution, for their concurrence, and also the bills therein mentioned, in order that they may be signed by the Speaker of that House.

For JAMES BOOTH, *Cl'k*,
FRANCIS MANY.

On motion,

Ordered, That the above mentioned bills be now signed by the Speaker of Council; which was done accordingly.

On motion,

Ordered, That the Speaker do now sign the following engrossed bills; which he did accordingly, viz:

1. "An act for the more easy and speedy recovery of small debts;"

2. "A supplementary act to an act entitled 'An act for the better Relief of the Poor,' passed at Dover, the twenty-ninth day of January, one thousand seven hundred and ninety-one;"

3. "An act to authorize Ann Ridgely and Nicholas Ridgely, the executors of Charles Ridgely, Esq., deceased, to convey unto Daniel Mifflin a certain parcel of land situate in Murderkill Hundred, Kent County;"

4. "An act for expediting the collection of arrearage taxes, and other purposes."

Ordered, That Mr. Alexander wait on the House of Assembly and deliver the above mentioned bills, in order that they may be signed by the Speaker of that House; which he did accordingly.

Council made the following allowances:

	£	s	d
To the Honorable George Mitchell, Esq., Speaker, for 30 days' attendance and mileage,	29	10	0
To Nehemiah Tilton, Esq., for 35 days' attendance and mileage,	23	10	0
To Archibald Alexander, Esq., for 28 days' attendance and mileage,	19	1	0
To James Raymond, Esq., for 28 days' attendance and mileage,	17	7	0
To Isaac Cooper, Esq., for 30 days' attendance and mileage,	20	10	0
To Rhoads Shankland, Esq., for 21 days' attendance and mileage,	14	17	0
To Charles Nixon, for 28 days' attendance and engrossing,	29	1	0
To Thomas Wild, for 32 days' attendance and charge of firewood, candles, &c.,	24	3	1
To John Clayton and George Cummins, Esquires, executors of John Gordon, Esq., for sundries furnished by him for the use of Council Chamber,	10	6	4½
	£188	5	11½

On motion,

Resolved, That orders be drawn on the State Treasurer, and signed by the Speaker, for the above sums.

Whereupon orders were drawn and signed accordingly.

Adjourned to the 20th October next.

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE DELAWARE STATE.

SPECIAL SESSION, MAY, 1792.

TUESDAY, May the 1st, 1792.

Council assembled. A quorum not attending, adjourned to Wednesday, the 2d May, 1792, A. M.

WEDNESDAY, the 2d May, 1792, A. M.

Council assembled. Present, the Honorable George Mitchell, Esq., Speaker; Mr. Tilton, Mr. Raymond, Mr. Shankland, and Mr. Cooper.

Council adjourned to 3 o'clock this afternoon.

WEDNESDAY, the 2d May, 1792, P. M.

Council assembled.

On motion, *Ordered*, That Mr. Raymond wait on the House of Assembly with the following engrossed bills passed the last session, together with the originals, for the reëxamination and

inspection of that House previous to entering into a resolution for affixing the Great Seal to said bills, viz:

1. "An act to supply the loss of a deed made in or about the year one thousand seven hundred and fifty-eight, by Simon Dixon to John Way, for two hundred acres of land in Mill Creek Hundred, in the County of New Castle;"

2. "An act for enabling Elisha Dickerson to erect a mill-dam across the head of the waters of Indian River, near a place called Rock Hole, in Indian River Hundred and Sussex County, and for the condemnation of a small piece of fast land, on the south side of said waters, for the use of a grist and saw-mill, with a log yard;"

3. "An act to vest certain parts of the estate of William Clark, deceased, which by reason of alienage in the devisee had devolved to the Delaware State, in William Clark Frazer, an infant;"

4. "An act to prevent swine running at large in the village of Camden, and certain bounds and limits therein prescribed;"

5. "An additional supplement to an act entitled 'An act for the limitation of actions and proving accounts against the estates of persons dying within this State.'"

Mr. Raymond delivered the above mentioned bills, together with their originals, agreeable to order.

Mr. Barratt, a member of the House of Assembly, was admitted and presented the following resolution, which was, on motion, read:

IN THE HOUSE OF ASSEMBLY OF THE DELAWARE STATE,
WEDNESDAY, May 2, 1792.

On motion of Mr. Evans, seconded by Mr. Oliver,

Resolved, That this House will not take up or act on any new business but what is absolutely necessary, and will adopt the most speedy measures for completing the business of the last session of the General Assembly, and that Council be furnished with a copy of this resolution.

Extract from the minutes.

JAMES BOOTH, *Cl'k of Assembly.*

On motion,

Ordered, That Mr. Tilton, Mr. Raymond, and Mr. Cooper be a committee to prepare and bring in a bill appropriating the surplusage of interest over and above the sums necessary to pay off the interest on the loans made to the United States on the assumed debt of this State.

Council adjourned to 9 o'clock to-morrow.

THURSDAY, May 3d, 1792, A. M.

Council assembled. Present as yesterday, and Mr. Alexander, who attended and took his seat.

Mr. Maxwell, a member of the House of Assembly, was admitted and presented the following resolution, viz:

IN THE HOUSE OF ASSEMBLY OF THE DELAWARE STATE,
THURSDAY, A. M., May 3, 1792.

On motion of Mr. Evans, seconded by Mr. McKennan,

Resolved, That this House now adjourn to three o'clock in the afternoon, to meet at the house of Thomas Hale, at Duck Creek Cross Roads, and there sit for the transaction of the public business.

Extract from the minutes. JAS. BOOTH,

Sent for concurrence. *Cl'k of Assembly.*

On motion, the above resolution was read, considered and agreed to.

Ordered, That Mr. Alexander wait on the House of Assembly and return the said resolution; which he did accordingly.

Council adjourned to 3 o'clock this afternoon, to meet at the house of Thomas Hale, at Duck Creek Cross-Roads.

DUCK CREEK CROSS-ROADS,
AT THE HOUSE OF THOMAS HALE,
THURSDAY, 3d May, 1792, P. M.

Council assembled.

The Speaker laid on the table a bill entitled "An act continuing in force an act for the amending and continuing the provisions made in the act entitled 'An act for auditing and arranging the accounts of this State, and for the more effectual settlement of the same,'" which was, on motion, read and referred to Mr. Cooper and Mr. Alexander, to report thereon.

Adjourned to 9 o'clock to-morrow morning.

FRIDAY, May 4th, 1792, A. M.

Council assembled. Present as yesterday.

The committee to whom was referred the bill entitled "An act continuing in force an act for the amending and continuing the provisions made in the act entitled 'An act for auditing and arranging the accounts of this State, and for the more effectual settlement of the same," reported said bill, and are of opinion it should be passed into a law.

On motion, by special order, said bill was read a second time by paragraphs and passed Council.

Ordered, That Mr. Shankland wait on the House of Assembly with said bill, for their concurrence; which he did accordingly.

The committee appointed on the second instant, reported a bill entitled "An act to appropriate the interest money arising from the unsubscribed part of the assumed debt of this State," which was, on motion, read.

On motion, by special order, the above mentioned bill was read a second time by paragraphs and passed Council.

Ordered, That Mr. Cooper wait on the House of Assembly with said bill, for their concurrence; which he did accordingly.

Adjourned to 3 o'clock this afternoon.

FRIDAY, May 4th, 1792, P. M.

Council assembled.

Mr. McKennan, a member of Assembly, was admitted and presented the following report of the committee of the House of Assembly, with the following resolution of that House, and the engrossed bills therein specified, viz:

The committee to compare the several engrossed bills passed at the last sitting of the General Assembly, and to which the Great Seal hath not been affixed, report that they have carefully performed the service committed to them, and now deliver to the House the said engrossed bills, which are accurately conformed to the original draughts.

W. McKENNAN,
WINGATE CANNON.

IN THE HOUSE OF ASSEMBLY OF THE DELAWARE STATE,
FRIDAY, A. M., May 4th, 1792.

On motion,

Resolved, That the President or Commander-in-Chief affix the Great Seal of this State to the following acts passed during the last sitting of the General Assembly, to wit:

1. "An act for enabling Elisha Dickerson to erect a mill-dam across the head of the waters of Indian River, near a place called Rock Hole, in Indian River Hundred, Sussex County, and for the condemnation of a small piece of fast land, on the south side of said waters, for the use of a grist and saw-mill, with a log yard;"

2. "An act to authorize Ann Ridgely and Nicholas Ridgely, executors of Charles Ridgely, Esquire, deceased, to convey unto Daniel Mifflin a certain parcel of land situate in Murderkill Hundred, Kent County;"

3. "A supplementary act to an act entitled 'An act for the better Relief of the Poor,' passed at Dover, the twenty-ninth day of January, one thousand seven hundred and ninety-one;"

4. "An act to enlarge the corporate powers of the Trustees of the New Castle Commons;"

5. "An act to enable the owners and possessors of a certain tract of meadow ground, marsh and cripple, situate at the north end of the Town of New Castle, to repair, support and maintain the banks, dykes and sluices belonging to the same;"

6. "An act for expediting the collection of arrearage taxes, and for other purposes;"

7. "An act to vest certain parts of the estate of William Clark, deceased, which, by reason of alienage in the devisee had devolved to the Delaware State, in William Clark Frazer, an infant;"

8. "An act to prevent swine running at large in the village of Camden, and certain bounds and limits therein prescribed;"

9. "An act to supply the loss of a deed made in or about the year one thousand seven hundred and fifty-eight, by Simon Dixon to John Way, for two hundred acres of land in Mill Creek Hundred, in the County of New Castle;"

10. "An additional supplement to an act entitled 'An act for the limitation of actions and proving accounts against the estates of persons dying within this State;'"

11. "An act for the more easy and speedy recovery of small debts."

Extract from the minutes. JAS. BOOTH,

Sent for concurrence. *Cl'k of Assembly.*

On motion, the foregoing resolution was read, considered and concurred in.

Ordered, That Mr. Raymond wait on the House of Assembly and return the said resolution, concurred in, together with the engrossed bills therein mentioned; which he did accordingly.

On motion,

Resolved, That Mr. Shankland and Mr. Tilton be a committee to wait on his Excellency, the President, to know his reasons for not commissioning the person chosen the last sitting of the General Assembly as fourth Justice of the Court of Common Pleas for the County of Sussex.

The committee returned and reported that they had waited on his Excellency, the President, and he informed them that he had not had official information of the appointment of a Justice at the last session, and requested a copy of the proceedings of the General Assembly on that occasion, that he would then give his reasons in writing.

Ordered, That the Secretary furnish him with said copy; which he did accordingly.

On recurring to the minutes of Council at the meeting of the General Assembly, in Council Chamber, the first day of February last, it appears that Mr. Cooper's name was not entered in the yeas and nays, which was ordered by the Council the morning following, but omitted, and as Mr. Cooper was present at the time the question was taken, his name was, by his own request and order of Council, inserted as yea.

Mr. McKennan, a member of Assembly, was admitted and presented the following resolution of that House, which was, by order, read, viz:

IN THE HOUSE OF ASSEMBLY,

FRIDAY, P. M., May 4th, 1792.

WHEREAS John Clayton, who declared he spoke the sentiments of the people of Kent County, hath, as one of the Commissioners for completing the Court House in Dover, insulted the Legislature of this State by denying them the use of the chambers heretofore occupied by the General Assembly for holding their sessions, requiring them to be delivered up for the use of workmen employed about the building, in consequence of which both Houses have adjourned the sessions to Duck Creek Cross-Roads; therefore

Resolved unanimously, That, in the opinion of this General Assembly, the Legislature of this State ought not to be subject to the caprice of any individual in the State, and that it will not be proper for them to hold their sessions in the Town of Dover until the Levy Court of Kent County, or some other proper authority, shall, by an explicit act, appropriate to their use the chambers in the said Court House, agreeable to the intention of the Legislature heretofore expressed.

Ordered, That the above resolution be sent to the Council, for their consideration and concurrence.

Extract from the minutes.

JAS. BOOTH, *Cl'k of Assembly.*

Mr. Maxwell, a member of Assembly, was admitted and presented the following message from his Excellency, the President, together with the inclosures therein mentioned, which was, by order, read, viz:

Gentlemen of the General Assembly:

A majority of the Legislative Council of this State having represented to me that a meeting of the Legislature would be of great public utility, and requested that the General Assembly should be convened on the first day of the present month, I did, therefore, on the eighteenth day of April last, issue writs of summons for that purpose, which I have directed to be laid before you.

A letter, dated the 23d ulto., has just been communicated to me from Thomas McKean and Edmund Physick, Esquires, attorneys of the late proprietaries, relative to the vacant and unappropriated lands in this State, the quit rents, alienation fines, and monies in arrear, which is claimed by them on behalf of the said late proprietaries. They have deemed it expedient to make this communication to me, and I have directed the Secretary to lay the same before your Honors for your consideration.

The Secretary will also deliver a resignation of Jacob Broom, Esquire, dated the 16th ulto., of his commission as a Justice of the Peace for the County of New Castle; and also the resignation of John Clayton, Esquire, dated the 17th ulto., of his commis-

sion of third Justice of the Court of Common Pleas and Orphans' Court for the County of Kent.

I have also directed to be laid before you a letter of the 31st of January last, from his Excellency the Governor of Georgia, enclosing a concurrent resolution of the General Assembly of that State, instructing their Senators to move that the doors of the Senate of the United States be kept open, whilst sitting in their legislative capacity.

The act of Assembly entitled "An act to render parts of divers acts of Assembly, and certain law proceedings, more conformable to the present Constitution," operates, in many instances, very injuriously by restricting the several Courts of Quarter Sessions in issuing recommendations for the keeping of houses of public entertainment to the session annually held in the month of February, whereas, in a great variety of cases, the performance of that duty can be exercised at a subsequent session, if requisite, more beneficially, both to the public and the parties interested. The inconvenience complained of might be remedied with great facility, and I therefore recommend it to the attention of your honors. J. CLAYTON.

Dover, May 2d, 1792.

Adjourned to eight o'clock to-morrow morning.

SATURDAY, May 5th, 1792, A. M.

Council assembled. Present as yesterday.

On motion, the resolution of the House of Assembly of yesterday, respecting the adjournment to this place, was read and non-concurred in.

Ordered, That Mr. Tilton wait on the House of Assembly and deliver the following verbal message, together with the following resolution, for their concurrence:

VERBAL MESSAGE TO THE HOUSE OF ASSEMBLY.

Gentlemen:

The Council, having taken into consideration the resolution of your honorable body, of yesterday, respecting the cause of adjournment of the present session from Dover to this place, have thought proper to return the same to your honorable body, together with a resolution unanimously agreed to by Council purporting the same, but more explanatory, and flatter themselves that it will meet with your unanimous approbation.

WHEREAS the Legislature, at their present meeting, were prevented sitting in the Court House, in Dover, by the Court House Commissioners refusing the use of the chambers formerly occupied by them; on which refusal the Legislative Council procured a room for their accommodation, and the House of Assembly having taken possession of the room in the Court House formerly occupied by them, and during the time of their sitting John Clayton, who declared he spoke the sentiments of the people of Kent County, did, as one of the Commissioners for completing the Court House, in Dover, request to be heard before the House of Assembly, and upon being admitted denied the House of Assembly the use of the chambers aforesaid for holding their sessions, demanding them to be delivered up for the use of workmen employed about the building, in consequence of which, and for the want of proper rooms for sitting in, both Houses have adjourned to Duck Creek Cross-Roads; therefore

Resolved unanimously, That, in the opinion of this General Assembly, the Legislature of this State ought not to be subject to the caprice of any individual in the State, and that it will not be proper for them to hold their sessions in the Town of Dover, and that it be recommended to the Convention of this State, and it is hereby recommended to said Convention, to fix the place of meeting of the Legislature, under the new Constitution, at Duck Creek Cross-Roads, unless the Levy Court of Kent County, or some other proper authority, shall, by an explicit act, appropriate to the use of the Legislature the chambers and office in the said Court House, agreeable to the intention of the Legislature heretofore expressed, and furnish the Convention with said proceedings.

Mr. Tilton reported that he had delivered the message and resolution agreeable to order.

Mr. Truitt, a member of Assembly, was admitted and presented a bill entitled "A supplement to the act for expediting the collection of the arrearage taxes," passed by the House of Assembly and sent for concurrence, which was, on motion, read.

Mr. McKennan, a member of Assembly, was admitted and presented sundry petitions, signed by a number of the inhabitants of New Castle County, praying an act to incorporate a company for the purpose of cutting and making a canal and lock navigation from the headwaters of the Brandywine Creek down along the same into the Borough of Wilmington, together with the following resolution of the House of Assembly:

IN THE HOUSE OF ASSEMBLY,
FRIDAY, P. M., May 4th, 1792.

WHEREAS it is represented to this General Assembly that a canal and lock navigation on the waters of Brandywine River, extending from Chester County, in Pennsylvania, through part of New Castle County to the Borough of Wilmington, is practicable, and, if executed, would be attended with great advantage to the agricultural and commercial interests of both States, this General Assembly, willing to encourage designs of such public utility, do

Resolve, That ——— be and they are hereby appointed commissioners on the part of this State to view the grounds through which the said canal is intended to pass, and, in conjunction with others on the part of Pennsylvania, to note down the elevations and distances by plot and survey, and to make an estimate of the probable expense, and report their proceedings to the next General Assembly, to whom it is recommended to make an adequate allowance to the said commissioners for their time, trouble, and expense in the performance of the said duty.

Names of the commissioners proposed: William McKennan, Esquire, Mr. James Morris, Mr. John Tennant, Mr. Charles Pope, and Daniel Rodgers, Esquire.

Extract from the minutes. JAS. BOOTH,
Sent for concurrence. *Cl'k Assembly.*

On motion, the foregoing resolution was read and non-concurred in.

Mr. Robinson, a member of Assembly, was admitted and returned the bill entitled "An act continuing in force an act for the amending and continuing the provisions made in the act entitled 'An act for auditing and arranging the accounts of this State, and for the more effectual settlement of the same,'" with an amendment proposed thereto by the House of Assembly, which was, on motion, read and concurred in.

Ordered that the said bill be now engrossed.

On motion, by special order,

The bill entitled "A supplement to an act entitled 'An act for expediting the collection of the arrearage taxes, and other purposes,'" was read a second time by paragraphs and passed Council.

Ordered, That Mr. Cooper return the said bill to the House of Assembly; which he did accordingly.

Mr. Tilton laid on the table the following resolution, viz:

WHEREAS a number of the inhabitants of New Castle have, by their petition to this General Assembly, set forth that a canal and lock navigation on the waters of Brandywide River, extending from Chester County, in Pennsylvania, thro' part of New Castle County to the Borough of Wilmington, is practicable, and, if executed, would be attended with great advantages to the agricultural and commercial interests of both States, this General Assembly, willing to encourage designs of such public utility, do

Resolve, That ——— be and they are hereby appointed commissioners on the part of this State, they, or any three of them, to view the ground thro' which the said canal is intended to pass, and, in conjunction with others on the part of Pennsylvania, to note down the elevation and distances by plot and survey, and to make an estimate of the probable expense, and report their proceedings to the next General Assembly, provided that the petitioners make compensation to the said commissioners for their time, trouble, and expense in the performance of the said duty.

Names of the commissioners proposed: Jacob Broom, Joseph Shallcross, Eleazar McComb, William McKennan, and Samuel Hollingsworth, Esquires.

On motion, said resolution was read and agreed to.

Ordered, That Mr. Tilton wait on the House of Assembly and deliver said resolution, for their concurrence; which he did accordingly.

The committee appointed to wait on his Excellency, the President, delivered the following communication from his Excellency, which was, by order, read:

Gentlemen of the Council:

Your committee have communicated to me a message from your honorable House, desiring to know my reasons for not commissioning the person chosen the last sitting of the General Assembly, as fourth Justice of the Court of Common Pleas for the County of Sussex.

By the 12th section of the Constitution of this State it is declared that the President and the General Assembly shall, by joint ballot, appoint the Justices of the Supreme Court, the Judge of Admiralty, and the Justices of the Courts of Common Pleas and Orphans' Courts. And, in the seventh section of the said Constitution, it is declared that, on the death, inability, or absence of the President from the State, the Speaker of the Legislative Council, for the time being, shall be Vice-President, &c. It is by the joint ballot of the President and General Assembly only that a constitutional appointment of a Justice of the Courts of Common Pleas of the County of Sussex, aforesaid, could, at the last session of the General Assembly, have been made, as no inability on my part, nor absence from the State, could have authorized the exercise of the powers of the President by any other person, agreeable to the provision contained in the seventh section of the Constitution.

The President of the State, where neither inabilily nor absence from the State takes place, is a constituent part of the body constitutionally vested with those appointments, and not being required by the Constitution or any law of this State to be constantly attendant on the General Assembly, ought, I conceive, to have received a notification to attend for the purpose of proceeding to such appointments, and in this opinion I was warranted by the invariable practice of the Legislature on every similar occasion which has occurred since the Revolution.

In the present instance of an election of a person as fourth

Justice of the Court of Common Pleas for the County of Sussex, although I had been for many days at the place where the sessions of the Legislature was held, and during the whole session was within the State, and exercising the office of President, I never received any notification or information whatever of the intention of the General Assembly to proceed to the said election; and as the said election was made without my knowledge or being present thereat, I cannot but deem it unconstitutional. Under these circumstances I consider myself bound, by the duty I owe to the public in the character of President, and by the solemn obligation of my oath, to refuse to commissionate the person thus unconstitutionally elected fourth Justice of the Court of Common Pleas for the County of Sussex.

J. CLAYTON.

Duck Creek Cross-Roads, May 4th, 1792.

On motion,

Ordered, That Mr. Shankland wait on the House of Assembly and deliver the following verbal message, which he did accordingly, viz:

Gentlemen:

The Council propose to the honorable House of Assembly the meeting of the General Assembly, in the Council Chamber, at 12 o'clock, in order to put in nomination persons out of whom shall be chosen a Justice to supply the vacancy in the Court of Common Pleas in the County of Sussex, occasioned by the death of Peter Fretwell Wright, Esquire; also to put in nomination persons out of whom shall be chosen a Justice to supply the vacancy in the Court of Common Pleas in the County of Kent, occasioned by the resignation of John Clayton, Esquire.

Mr. Maxwell, a member of Assembly, was admitted and returned the foregoing message, and the resolution respecting the adjournment of the General Assembly to Duck Creek Cross-Roads, disagreed to by the House of Assembly, and their resolution respecting said adjournment, which was non-concurred in by Council, adhered to by the House of Assembly.

Mr. Maxwell also presented the following resolution, which was, by order, read, viz:

IN THE HOUSE OF ASSEMBLY, May 5th, 1792, A. M.

Resolved, That it is the intention of this House to conclude the present session this afternoon at one o'clock, and that a copy of this resolution be sent to the Council for their information.

Extract from the minutes.

JAS. BOOTH, *Cl'k of Assembly.*

On motion, the resolution of Council respecting the adjournment of the General Assembly to Duck Creek Cross-Roads, disagreed to by the House of Assembly, was adhered to, as amended, and the resolution of the House of Assembly respecting said adjournment, rejected by Council and adhered to by that House, was, on motion, still rejected by Council.

Ordered, That Mr. Cooper wait on the House of Assembly and return the last mentioned resolutions; which he did accordingly.

Adjourned for one hour.

SATURDAY, 5th-May, 1792, P. M.

Council assembled.

Mr. Many, a member of Assembly, was admitted and returned the resolution of Council respecting the canal and lock navigation, concurred in by the House of Assembly, and the blank was filled up with the names of the Commissioners appointed by the General Assembly.

Mr. Barratt, a member of Assembly, was admitted and presented the following resolution, viz:

IN THE HOUSE OF ASSEMBLY, May 5th, 1792.

WHEREAS a vacancy hath happened in the representation of the County of Kent, in the Convention, occasioned by the death of James Sykes, Esq., and it is expedient that the same be supplied by a new election; therefore

Resolved, That it be recommended to the people of the said County of Kent to hold an election, at the Town of Dover, on Saturday, the nineteenth day of May, instant, for the choice of a suitable person to supply the aforesaid vacancy in the Convention, and that the said election be conducted, carried on, and completed agreeable to the directions prescribed by the General Assembly in the third of their resolutions of the eighth day of September, one thousand seven hundred and ninety-one, for electing deputies to compose a convention.

Ordered, That a copy of the above resolution be furnished to the Sheriff of the said County of Kent, who is hereby directed to give due notice thereof, agreeable to the fourth resolution of the General Assembly aforesaid.

Extract from the minutes. JAS. BOOTH,

Sent for concurrence. *Cl'k of Assembly.*

On motion, the above resolution was read, considered and agreed to.

Ordered, That Mr. Alexander wait on the House of Assembly and return the said resolution; which he did accordingly.

On motion,

Ordered, That the Speaker do now sign the engrossed bill entitled "An act continuing in force an act for the amending and continuing the provisions made in the act entitled 'An act for the auditing and arranging the accounts of this State, and for the more effectual settlement of the same;' " which he did accordingly.

Ordered, That Mr. Cooper wait on the House of Assembly and deliver them the said engrossed bill, to be signed by the Speaker of that House; which he did accordingly.

On motion,

Ordered, That an order be now drawn on the State Treasurer, and signed by the Speaker of Council, in favor of James Booth, Esquire, for the sum of ten shillings and four pence, for summoning and sending an express to one of the members of Council.

Whereupon an order was drawn and signed accordingly.

Mr. McKennan, a member of Assembly, was admitted and returned the resolution of Council respecting the adjournment of the General Assembly to Duck Creek Cross-Roads, concurred in by the House of Assembly, and their adherence to the resolution of that House on said adjournment receded from.

Mr. McKennan also presented the following resolution, together with the bills therein mentioned, signed by the Speaker of the House of Assembly, viz:

IN THE HOUSE OF ASSEMBLY, May 5th, 1792, P. M.

Resolved, That the President or Commander-in-Chief affix the Great Seal of this State to the following acts:

1. "A supplement to an act entitled 'An act for expediting the collection of arrearage taxes, and other purposes;' "

2. "An act continuing in force an act entitled 'An act for the amending and continuing the provisions made in the act entitled 'An act for auditing and arranging the accounts of this State, and for the more effectual settlement of the same.' "

Extract from the minutes. JAS. BOOTH,

Sent for concurrence. *Cl'k of Assembly.*

On motion,

Ordered That the Speaker of Council do now sign the first mentioned act in the above resolution.

Whereupon the Speaker signed the said bill accordingly.

On motion, the above resolution, for affixing the Great Seal, was read, considered and agreed to,

Ordered, That Mr. —— do now return said resolution; which he did accordingly.

On motion,

Ordered, That an order be now drawn on the State Treasurer, and signed by the Speaker, in favor of John White, of Wilmington, for the sum of five pounds five shillings, for making a pair of venetian blinds for forty-light window, agreeable to the direc-

tion of John Gordon, deceased, for the chamber in the Court House at Dover.

Whereupon an order was drawn and signed accordingly.

On motion,

Ordered, That the Secretary of Council furnish the presiding member of the Convention of this State with a copy of the resolution of the General Assembly respecting their reason for adjourning the present session to Duck Creek Cross-Roads, at or before the next meeting of the Convention, in order that the same may be laid before the Convention.

Council made the following allowances:

	£		
To the Honorable George Mitchell, Esq., Speaker, for 6 days' attendance and mileage,	8	4	0
To Nehemiah Tilton, Esq., for 7 days' attendance and mileage,	6	14	0
To Archibald Alexander, Esq., for 5 days' attendance and mileage,	5	5	0
To James Raymond, Esq., for 4 days' attendance and mileage (not charged or order drawn),	0	0	0
To Rhoads Shankland, Esq., for 6 days' attendance and mileage,	6	3	0
To Isaac Cooper, Esq., for 6 days' attendance and mileage,	6	8	0
To Charles Nixon, for 5 days' attendance as Secretary, engrossing, paper, &c.,	5	11	2
To Thomas Wild, for 5 days' attendance as Doorkeeper and bell-ringer,	2	8	9
To James Battell, for the use of the chamber in Dover,	1	10	0
	£42	3	11

Council adjourned to 20th October next.*

* There is no record of a meeting of the Council on the day to which it stood adjourned, a new Constitution having been adopted, in Convention, on the 12th day of June. The manuscript next in order is the minutes of a special session of the Senate, the General Assembly having been convened November 1, 1792, to choose Electors for President and Vice-President of the United States. This session was held in Dover.

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